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PART IV

Section 2-B and Extraordinary

MYSORE ACTS AND ORDINANCE

NOTIFICATION.

No LAW 66 LGN 65, Bangalore, dated the 30th December 1965.—3rd January 1966.

In exercise of the powers conferred by clause (1) of Article 299 of the Constitution, the Governor of Mysore hereby makes the following further amendment in Notification No. LAW 61 LGN 61, dated the 6th December 1961, namely :—

In the said Notification, in the entries relating to " Part XXXIV—General-applicable to all Departments ", after entry 130, the following entry shall be added, namely :—

"131. Pledging and release of Post Office, Savings Bank Security Deposit Accounts.	By the Gazetted Officers of all Departments of the State Government, who for the due performance of their duties are required to accept and release securities ".

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU, *Secy. to Govt. L. D.*

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PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 40 LGN 65, dated Bangalore, 11th March 1966.

Ordered that the Bangalore Water Supply and Sewerage (Amendment) Act, 1965 which received the assent of the President on the Second day of March 1966, published as Mysore Act No. 6 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 6 OF 1966

(*First published in the* Mysore Gazette *on the Seventeenth day of March*, 1966).

The Bangalore Water Supply and Sewerage (Amendment) Act, 1965

(*Rcieivcd the assent of the Prcsident on the Second day of March*, 1966).

An Act to amend the Bangalore Water Supply and Sewerage Act, 1964,

WHEREAS it is expedient to amend the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964);

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—This Act may be called the Bangalore Water Supply and Sewerage (Amendment) Act, 1965.

(2) It shall come into force at once.

2. *Amendment of section* 2.—In section 2 of the Bangalore Water Supply and Sewerage Act, 1964 (Mysore Act 36 of 1964) (hereinafter referred to as the principal Act),—

(1) after clause (3), the following clause shall be inserted, namely :—

"(3A) "bye-laws" means bye-laws made by the Board under this Act";

(2) in clause (11), the words, "by the State Government" shall be omitted.

3. *Amendment of section* 3.—In clause (*b*) of sub-section (3) of section 3 of the principal Act, for the words "a public health engineer with wide experience", the words "a person with wide experience of civil engineering works preferably in the field of public health engineering with reference to water supply, sewerage and sewage disposal and industrial wastes" shall be substituted.

4. *Amendment of section* 5.—In section 5 of the principal Act,—

(1) for the marginal heading, the following heading shall be substituted, namely :—

"Disqualification for becoming a member of the Board.";

(2) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) A person shall be disqualified for being appointed as a member of the Board, and for being a member thereof, if, save as hereinafter provided, he has directly or indirectly by himself or his partner any share or interest in any work done by order of the Board or in any contract or employment with, or under, or by, or on behalf of, the Board."

(3) in sub-section (2), for the words, figure and brackets "other than a firm or company mentioned in sub-section (1)" shall be omitted.

5. *Amendment of section* 6.—In section 6 of the principal Act—

(1) for clause (*c*) of sub-section (1), the following clause shall be substituted, namely :—

"(*c*) becomes subject to any disqualification specified in sub-section (1) of section 5".

(2) in sub-section (5), for the words "the directions issued by the State Government under this Act", the words and figures "the directions issued by the State Government under section 89" shall be substituted.

6. *Amendment of section* 7.—In sub-section (1) of section 7 of the principal Act, the words, figures and brackets "sub-clause (iii) of" shall be omitted.

7. *Amendment of section* 12.—In the proviso to section 12 of the principal Act, for the words "subject to the approval of", the words "made after consultation with" shall be substituted.

8. *Amendment of section* 13.—In section 13 of the principal Act, for the words "consulting public health engineers" in the two places where they occur, the word "consultants" shall be substituted, and for the word "rules", the word " regulations" shall be substituted.

9. *Amendment of section* 15.—In sub-section (2) of section 15 of the principal Act,—

(1) in clauses (*b*) and (*c*), the words "approved by the State Government" shall be omitted;

(2) after clause (*c*), the following proviso shall inserted, namely:—

"Provided that no scheme under clause (*b*) or (*c*) estimated to cost more than a crore of rupees shall be carried out by the Board except with the approval of the State Government."

10. *Substitution of new section for section* 16.—For section 16 of the principal Act, the following section shall be and shall always be deemed to have been substitued, namely:—

"16. *General principles for Board's finance.*—(1) for carrying on its operations under this Act, the Board shall levy rates, fees, rentals and other charges, and shall vary such rates, fees, rentals and other charges from time to time in order to provide sufficient revenue,—

(*a*) to cover operating expenses, taxes and interest payments and to provide for adequate maintenance and depreciation;

(*b*) to meet repayments of loans and other borrowings ;

(*c*) to finance normal year to year improvements ; and

(*d*) to provide for such other purposes beneficial to the promotion of water supply and disposal of sewage in the Bangalore Metropolitan Area as the Board may determine.

(2) No part of the revenues of the Board, after meeting the expenses referred to in clauses (*a*), (*b*) and (*c*) of sub-section (1) shall be used to augment the reserves of the Board other than the reserves referred to in sections 24 and 24-A or for the general purposes of the Board including expenses in connection with capital works, other than improvement works ".

11. *Amendment of section* 17.—In sub-section (1) of section 17 of the principal Act, for the word " rules ", the word " regulations " shall be substituted.

12. *Amendment of section* 18.—In sub-section (1) of section 18 of the principal Act,—

(1) for the words " twenty-five thousand rupees ", the words " one lakh of rupees " shall be substituted ;

(2) for the words " one lakh of rupees ", the words " five lakhs of rupees " shall be substituted.

13. *Ommission of section* 23.—Section 23 of the principal Act shall be omitted.

14. *Amendment of section* 24.—In section 24 of the principal Act,—

(1) in sub-section (1), the words and figures " as far as compliance with the provisions of section 23 makes it practicable " shall be omitted ;

(2) in sub-section (2),—

(i) in the first proviso, for the word "rules", the word "regulations" shall be substituted; and

(ii) the second and third provisos shall be omitted.

15. *Insertion of new sections* 24-A *and* 24-B,—After section 24 of the principal Act, the following sections shall be and shall always be deemed to have been inserted, namely :—

"24A. *Improvement reserve.*—The Board shall create a reserve for improvement works and shall, at the end of every year, credit to such reserve from its revenue such percentage of the balance remaining after meeting its operating, maintenance and management expenses and after adequate provision is made for depreciation, taxes, interest and amortization payments on loans and other borrowings as the Board may determine, taking into consideration the improvement works which the Board will have to execute in order to provide adequate water supply and sewage disposal services in the Bangalore Metropolitan Area.

24B. *Payment of interest to Government.*—In respect of assets of the Government which vest in the Board by virtue of the provisions of this Act, the Board shall pay interest on the cost of such assets at such rate as may, from time to time, be fixed by the Government in consultation with the Board and such interest shall be deemed to be a part of the expenditure of the Board".

16. *Amendment of section* 25.—In section 25 of the principal Act,—

(1) in sub-section (1), for the word "rules" the word "regulations" shall be substituted;

(2) in sub-section (5), for the word "rules", the word "regulations" shall be substituted.

17. *Amendment of section* 26.—In section 26 of the principal Act, for the words "City of Bangalore", the words "Bangalore Metropolitan Area" shall be substituted.

18. *Amendment of section* 44.—In section 44 of the principal Act,—

(1) in sub-section (2), after the words "Board shall", the words "if in its opinion there is no objection" shall be inserted;

(2) in the proviso to sub-section (3), for the words "under the provisions of this section the Board lays", the words "the Board considers it necessary to lay" shall be substituted.

19. *Amendment of section* 47.—In section 47 of the principal Act,—

(1) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The cost of meters, the expense of their installation, and the rent payable for use of meters, shall be such as may be prescribed by regulations, and shall be paid by the owner of the premises.";

(2) for sub-section (3), the following sub-clause shall be substituted, namely:—

"(3) The use, maintenance and testing of meters shall be regulated by bye-laws made in this behalf."

20. *Substitution of new sections* 61 *and* 61*A for section* 61.—For section 61 of the principal Act, the following sections shall be substituted, namely:—

"61. *Regulations regarding water supply*.—(1) The Board may, with the previous approval of the State Government, make regulations to carry out the purposes of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for,—

(*a*) the power of the Board,—

(i) to stop the supply of water, whether for domestic purpose, or not, or for gratuitous use ; and

(ii) to prohibit the sale and use of water for the purpose of business ;

(*b*) the power of the Board to take charge of private connections ;

(*c*) the prohibition of fraudulent and unauthorised use of water and the prohibition of tampering with meters ;

(*d*) the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters.

(3) In making any regulation under this section, the Board may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees and in case of continuing breach with an additional fine which may extend to ten rupees for every day during which the breach continues after the receipt of a notice from the Board to discontinue such breach.

61A. *Bye-laws regarding water supply*.—Subject to the provisions of the rules and the regulations, the Board may after previous publication, make bye-laws to provide for,—

(*a*) the connection of water supply pipes for conveying to any premises a supply of water from Board Water Works ;

(*b*) the making and renewing connections with Board Water Works ;

(*c*) the power of the Board to alter the position of connections ;

(*d*) the equitable distribution of water supplied occupiers ;

(*e*) the size, material, quality, description and position of the pipes and fittings to be used for the purpose of any connection with or any communication from any Board Water Works and the stamping of pipes and fittings and fees for such stamping ;

(*f*) the size, material, quality and description of pipes, cisterns, and fittings which are found on an examination under the provisions of the Act to be so defective that they cannot be effectively repaired ;

(*g*) the provision and maintenance of meters when water is supplied by measurement ;

(*h*) the maintenance of pipes, cisterns and other water works."

21. *Amendment of section* 65.—In clause (*b*) of sub-section (1) of section 65 of the principal Act, for the words " a temperature higher than forty-five degrees centigrade ", the words " such temperature as may be specified by notification by the Board " shall be substituted.

22. *Amendment of section* 74.—In section 74 of the principal Act, in the second proviso, for the words " so treated as not to affect prejudicially the purity and quality of the water into which it is discharged ", the word " treated in such manner as may be prescribed in the bye-laws made in this behalf ", shall be substituted.

23. *Amendment of section* 84.—For sub-section (2) of section 84 of the principal Act, the following sub-section shall be substituted, namely :—

"(2) In particular and without prejudice to the foregoing provision, such regulations may provide for the charges to be paid to the Board by occupiers of trade premises for the reception of trade effluent into Board sewers and disposal thereof ".

24. *Insertion of new section* 84*A*.—After section 84 of the principal Act, the following section shall be inserted, namely :—

"84A. *Bye-laws regarding sewerage*.—(1) Subject to the provisions of rules and regulations, the Board may after previous publication make bye-laws to provide for—

(*a*) the regulation or prohibition of the discharge or deposit of offensive or obstructive matter polluted water or other polluted and obnoxious matter into sewers ;

(*b*) the regulation in any manner not specifically provided for in this Act, of the construction, alteration, maintenance, preservation, cleaning and repairs of sewers, ventilation shafts, pipes, latrines, urinals, cesspools and other sewerage works ;

(*c*) the cleansing of sewers ;

(*d*) the prohibition of erection of buildings over sewers without the permission of the Board ;

(*e*) the connection of private drains with Board sewers ;

(*f*) the location and construction of cesspools ;

(*g*) the covering and ventilation of cesspools ;

(*h*) the period or periods of the day during which trade effluent may be discharged from any trade premises into Board sewers ;

(*i*) the exclusion from trade effluent of all condensing matter ;

(*j*) the elimination from trade effluent, before it enters a Board sewer, of any constituent which in the opinion of the Board would, either alone or in combination with any matter with which it is likely to come into contact while passing through Board sewers, injure or obstruct those sewers or make specially difficult or expensive the treatment or disposal of the sewage from those sewers ;

(*k*) the maximum quantity of trade effluent which may, without any consent or permission, be discharged from any trade premises into Board sewers on any one day and the highest rate at which trade effluent may, without such consent or permission, be discharged from any trade premises into Board sewers ;

(*l*) the regulation of the temperature of trade effluent at the time of its discharge into Board sewers and the securing of the neutrality of trade effluent (that is to say, that it is neither acidic nor alkaline) at the time of such discharge ;

(*m*) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into Board sewers from trade premises ;

(*n*) the provision and maintenance of such meters as may be required to measure the volume of any trade effluent being discharged from any trade premises into Board sewers, and the testing of such meters."

25. *Amendment of section* 86.—In section 86 of the principal Act,—

(1) in sub-section (2), for the word "rules", the word "regulations" shall be substituted ;

(2) in sub-section (3), the words, "as may be prescribed by the rules or" shall be omitted.

26. *Amendment of section* 88.—In sub-section (1) of section 88 of the principal Act, for clause (*d*) the following clause shall be substituted, namely :—

"(*d*) the fine which may be imposed for the breach of any bye-law, which may extend to one hundred rupees, and in case of continuing breach the additional fine which may

extend to ten rupees for every day, during which the breach continues after receipt of a notice from the Board to discontinue the breach."

27. *Amendment of section* 89.—In section 89 of the principal Act, to sub-section (1), the following proviso shall be added, namely :—

"Provided that such direction shall be given after consultation with the Board".

28. *Amendment of section* 109.—In section 109 of the principal Act, after the word " regulation " in the two places where it occurs, the words " or bye-law " shall be inserted.

29. *Continuation of rules and regulations.*—Notwithstanding anything contained in the principal Act, as amended by this Act, all rules and regulations in force at the commencement of this Act shall continue to be valid, but any such rule or regulation may be cancelled or altered by a rule, regulation or bye-law, as the case may be, made under the relevant provision of the principal Act as amended by this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(Law Department).

No. LAW 8 LGN 65, Bangalore, dated 14th March 1966.

Ordered that the Mysore Sales Tax (Amendment) **Act**, 1966 which received the assent of the Governor on the Eleventh day of March 1966, be published as Mysore **Act** No. 7 of 1966 in the *Mysore Gazette* for general **information.**

MYSORE ACT No. 7 OF 1966.

(First published in the Mysore Gazette *on the Seventeenth day of March 1966).*

THE MYSORE SALES TAX (AMENDMENT) ACT, 1966

(Received the assent of the Governor on the Eleventh day of March 1966).

An Act further to amend the Mysore Sales Tax Act, 1957.

WHEREAS it is expedient further to amend the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Sales Tax (Amendment) Act, 1966.

(2) It shall come into force on the first day of April 1966.

2. Amendment of section 2.—In sub-section (1) of section 2 of the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957) (hereinafter referred to as the principal Act),—

(*a*) in sub-clause (i) of clause (k), for the words "The Central Government and a State Government other than the Government of Mysore", the words "an industrial, commercial or trading undertaking of the Government of Mysore, the Central Government, a State Government of any State, other than the State of Mysore" shall be substituted;

(*b*) in clause (t), Explanation (2) shall be omitted;

(*c*) in clause (v), item (i) of the Explanation shall be omitted.

3. Amendment of section 5.—In section 5 of the principal Act,—

(1) in sub-section (1),—

(*a*) for the words "two per cent", the words "three per cent", shall be substituted;

(*b*) in the first proviso, for the words "one and a half per cent", the words "two per cent" shall be substituted;

(*c*) in the second proviso,—

(i) for the words "parched rice and beaten rice", the words "parched rice, beaten rice and bran" shall be substituted;

(ii) for the words "one per cent", the words "one and a half per cent" shall be substituted;

(2) in clause (*a*) of sub-section (5), for the words "seven thousand and five hundred rupees", the words "ten thousand rupees" shall be substituted;

(3) sub-sections (5A) and (5B) shall be omitted.

4. Amendment of section 8.—In section 8 of the principal Act, sub-sections (2) and (3) shall be omitted.

5. Amendment of section 10.—In sub-section (1) of section 10 of the principal Act, for the words "seven thousand and five hundred rupees", the words "ten thousand rupees" shall be substituted.

6. Amendment of section 12.—In sub-section (1) of section 12 of the principal Act, for the words "seven thousand and five hundred rupees", the words "ten thousand rupees" shall be substituted.

7. Amendment of section 17.—In sub-section (1) of section 17 of the principal Act, in the table of rates, item (i) shall be omitted.

8. Amendment of section 18.—In section 18 of the principal Act, —

(1) in sub-section (1),—

(a) after the words "by way of tax", the words "or purporting to be by way of tax", shall be inserted ;

(b) the second and third provisos shall be omitted ;

(2) in sub-section (2), after the words "by way of tax" the words "or purporting to be by way of tax" shall be inserted.

9. Insertion of new section 18A.—After section 18 of the principal Act, the following section shall be and shall always be deemed to have been inserted, namely :—

"**18A. Penalty for collection in contravention of section 18.**—If any person collects any amount by way of tax or purporting to be by way of tax in contravention of the provisions of sub-section (1) or sub-section (2) of section 18, or if any registered dealer or licensed dealer collects any amount by way of tax or purporting to be by way of tax in excess of the amount payable by him, whether or not any tax is due from such person or dealer under this Act in respect of the transaction in which he collects such amount, the assessing authority may, after giving such person or dealer a reasonable opportunity of being heard, by order in writing, impose upon him by way of penalty a sum not exceeding one and a half times such amount :

Provided that no proceedings under this section shall be commenced after a period of five years from the expiry of the year in which the amount has been collected :

Provided further that no prosecution for an offence under section 29 shall be instituted in respect of the same facts on which a penalty has been imposed under this section."

10. Amendment of section 26.—In sub-section (1) of section 26 of the principal Act, the proviso shall be omitted.

11. Amendment of section 29.—In section 29 of the principal Act,—

(1) in sub-section (1), clause (c) shall be omitted;

(2) in sub-section (2), after clause (c), the following clause shall be inserted, namely :—

"(cc) collects any amount by way of tax or purporting to be by way of tax in contravention of sub-section (1) or sub-section (2) of section 18; or".

12. Amendment of the Second Schedule.—In the Second Schedule to the principal Act—

(1) serial numbers 1, 2, 3, 4, 5, 6 and 7 shall be omitted;

(2) in column 3 of serial number 8, for the words "Nine per cent", the words "Nine and a half per cent" shall be substituted;

(3) in column 3 of serial number 9, for the words "Three per cent", the words "Three and a half per cent" shall be substituted;

(4) in column 3 of serial number 10, for the words "Ten per cent", the words "Eleven per cent" shall be substituted;

(5) in column 3 of serial number 11, for the words "Six per cent", the words "Six and a half per cent" shall be substituted;

(6) in column 3 of serial numbers 12 and 13, for the words "Three per cent", the words "Three and a half per cent" shall be substituted;

(7) in column 3 of serial number 14, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(8) in column 3 of serial numbers 15, 16, 17 and 18, for the words "Ten per cent", the words "Eleven per cent", shall be substituted;

(9) in column 3 of serial number 19, for the words "Four per cent", the words "Four and a half per cent" shall be substituted;

(10) in column 3 of serial number 20, for the words "Six per cent", the words "Six and a half per cent" shall be substituted;

(11) in column 3 of serial number 21, for the words "Seven per cent", the words "Seven and a half per cent" shall be substituted;

(12) in column 3 of serial number 22, for the words "Four per cent", the words "Four and a half per cent" shall be substituted;

(13) in column 3 of serial number 23, for the words "Eight per cent", the words "Eight and a half per cent shall be substituted;

(14) in column 3 of serial number 24, for the words "One per cent", the words "One and a half per cent" shal be substituted;

(15) in column 3 of serial number 25, for the words "One and a half per cent", "the words "Two per cent" shall be substituted;

(16) serial numbers 27, 28, 29, 30, 31, 32, 33 and 34 shall be omitted;

(17) in column 3 of serial numbers 35, 36 and 39, for the words "Six per cent", the words "Six and a half per cent" shall be substituted;

(18) in column 3 of serial number 40, for the words "Twelve per cent", the words "Twelve and a half per cent" shall be substituted;

(19) serial number 42 shall be omitted;

(20) in column 3 of serial numbers 43 and 44, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(21) in column 3 of serial number 47, for the words "Two per cent", the words "Two and a half per cent" shall be substituted

(22) in column 3 of serial number 48, for the words "One and a half per cent", the words "Two per cent" shall be substituted;

(23) in column 3 of serial number 49, for the words "Two per cent", the words "Two and a half per cent" shall be substituted;

(24) in column 3 of serial numbers 50–A and 51, for the words "Three per cent", the words "Three and a half per cent" shall be substituted;

(25) in column 3 of serial numbers 52, 53, 54, 55, 56, 57, 58 and 59, for the words "Ten per cent" the words "Eleven per cent" shall be substituted;

(26) in column 3 of serial number 60, for the words "Seven per cent", the words "Seven and a half per cent" shall be substituted;

(27) in column 3 of serial number 61, for the words "Six per cent", the words "Six and a half per cent" shall be substituted;

(28) in column 3 of serial number 61–A, for the words "Four per cent", the words "Four and a half per cent" shall be substituted;

(29) in column 3 of serial number 62, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(30) in column 3 of serial number 63, for the words "Ten per cent", the words "Eleven per cent" shall be substituted;

(31) in column 3 of serial number 64, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(32) in column 3 of serial number 65, for the words "Eight per cent", the words "Eight and a half per cent" shall be substituted;

(33) in column 3 of serial number 65-A, for the words "Six per cent", the words "Six and a half per cent" shall be substituted;

(34) in column 3 of serial number 66, for the words "Eight per cent", the words "Eight and a half per cent" shall be substituted;

(35) in column 3 of serial number 67, for the words "Nine per cent", the words "Nine and a half per cent" shall be substituted;

(36) in column 3 of serial number 68, for the words "Four per cent", the words "Four and a half per cent" shall be substituted;

(37) in column 3 of serial number 69, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(38) in column 3 of serial numbers 70, 71, 72 and 73, for the words "Ten per cent", the words "Eleven per cent" shall be substituted;

(39) in column 3 of serial number 74, for the words "One half per cent", the words "One per cent" shall be substituted;

(40) in column 3 of serial number 75, for the words "Three per cent", the words "Three and a half per cent" shall be substituted;

(41) serial number 76 shall be omitted;

(42) in column 3 of serial number 77, for the words "Four per cent", the words "Four and a half per cent" shall be substituted;

(43) in column 3 of serial numbers 78 and 79, for the words "Three per cent", the words "Three and a half per cent" shall be substituted;

(44) in column 3 of serial number 80, for the words "Five per cent", the words "Five and a half per cent" shall be substituted;

(45) after the entry relating to serial number 81, the following entries shall be inserted, namely:—

"81A. Dusters and sprayers used for dusting and spraying pesticides and insecticides.....Two per cent.

81B. Blasting gunpowder.....Two per cent."

(46) Explanation I to the Schedule shall be omitted.

13. Amendment of the Third Schedule.—In the Third Schedule to the principal Act—

(1) serial numbers 2 and 3 shall be omitted;

(2) in column 4 of serial numbers 7 and 8, for the words "Two per cent", the words "Five per cent" shall be substituted;

(3) serial number 10 shall be omitted;

(4) in column 4 of serial number 11, for the words "Two per cent", the words "Five per cent" shall be substituted;

(5) in column 4 of serial number 12, for the words "Three per cent", the words "Five per cent" shall be substituted;

(6) serial number 14 shall be omitted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

CHIEF SECRETARIAT.

CORRIGENDUM

No. GAD 50 ORR 65, Bangalore, dated 17th February 1966.

In the Notification No. GAD 50 ORR 65, dated 29th November 1965 regarding the State Service Cadres in respect of the Registration and Stamps Branch of the Mysore General Service for the Pay Scale of Rs. 225–10–280–15–375 shown against the post of Head Quarters Sub-Registrars at Sl. No. 8 under Class II posts the following Pay Scales shall be substituted :

"Rs. 225–10–285–15–375".

2. For the Pay Scale of Rs. 225–10–280–15–375 shown against the post of I Grade Sub-Registrars under Class III Posts the following Pay Scale shall be substituted :

"Rs. 225–10–285–15–375".

3. For the Pay Scale of Rs. 225–10–280–15–375 shown against the post of the Manager at Sl. No. 10 under Class III Posts the following pay scale shall be substituted :

"Rs. 225–10–285–15–375."

4. For the Pay Scale of Rs. 110–5–150–6–180–8–220 shown against the post of Ist Division Clerks, Head Clerks and Assistant Store Keeper at Sl. No. 13 under Class III Posts the following pay scale shall be substituted :

"Rs. 110–5–150–6–180–10–220".

5. For the Pay Scale of Rs. 110–5–150–6–180–8–220 + Spl. Pay shown against the post of Stenographers at Sl. No. 14 under Class III Posts the following pay scale shall be substituted :

"Rs. 110–5–150–6–180–10–220 + Spl. pay of Rs. 30".

6. For the pay scale of Rs. 80–3–110–4–130–5–150 + Spl. pay shown against the post of II Division Clerks at Sl. No. 15 under Class-III Posts, the following pay scale shall be substituted :

"Rs. 80–3–110–4–130–5–150".

By Order and in the name of the Governor of Mysore,

30 N. BHYRAPPA, *Under Secy*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bhopal.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 4 LGN 66, dated Bangalore, 21st March 1966.

Ordered that the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Act, 1966 which received the assent of the Governor on the Fifteenth day of March 1966, be published as Mysore Act No. 9 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 9 OF 1966.

(First published in the Mysore Gazette *on the Twenty-fourth day of March 1966.)*

THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Fifteenth day of March 1966.)

An Act to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961.

WHEREAS it is expedient to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962),—

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Act, 1966.

(2) It shall be deemed to have come into force on the fifteenth day of March 1962.

2. Amendment of section 16.—In sub-section (2) of section 16 of the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962), (hereinafter referred to as the principal Act), for the words " within the

period of two years from the date on which this Chapter comes into force", the words, figures and brackets "within the period of two years from the date on which the Registrar is appointed under sub-section (1) of section 14" shall be substituted.

3. Amendment of section 18.—In section 18 of the principal Act,—

(1) in the heading, for the words "on the date of commencement of this Chapter", the words "not qualified for registration under this Act" shall be substituted;

(2) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Registrar shall also prepare in accordance with the provisions of sub-section (2), a list of persons entitled to have their names entered under the said sub-section in a list called a list of persons in practice on the date of commencement of this Chapter.";

(3) in sub-section (2), for the words "within a period of two years from the date from which this Chapter comes into force", the words, figures and brackets "within a period of two years from the date of appointment of the Registrar under sub-section (1) of section 14" shall be substituted.

4. Amendment of section 21.—In sub-section (1) of section 21 of the principal Act, for the words "two years from the date from which this Chapter comes into force", the words, figures and brackets "two years from the date on which the Registrar is appointed under sub-section (1) of section 14" shall be substituted.

5. Amendment of section 30.—In section 30 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) Any rule under this Act may be made to have effect retrospectively and when any such rule is made a

statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (3). All rules made under this Act shall, subject to any modification made under sub-section (3), have effect as if enacted in this Act."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 9 LGN 66, Bangalore, dated 17—19th April 1966

Ordered that the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1966, which received the assent of the Governor on the twelfth day of April 1966, be publishedas Mysore Act No. 13 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 13 OF 1966.

(First published in the Mysore Gazette dated the Twenty-first day of April 1966).

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Twelfth day of April 1966).

An Act further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957;

Be it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1966.

(2) It shall be deemed to have come into force on the first day of September 1960.

2. *Amendment of section* 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) in clause (*ba*), for the words "basic contribution and special benefit contribution", the words "betterment contribution" shall be substituted;

(2) clauses (*fa*), (*fb*) and (*fc*) shall be omitted.

8. *Amendment of section* 3.—In section 3 of the principal Act,—

(1) in sub-section (1), for the words and figure "at the rates specified in section 4 in accordance with the provisions of this Act on land, which in the opinion of the prescribed officer, is benefited", the words "in accordance with the provisions of this Act from the landholder or the holder of any land which is benefited" shall be substituted;

(2) in sub-section (2), clauses (ii) and (iii) shall be omitted.

4. *Substitution of new section for section* 4.—For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. *Amount of betterment contribution.*—(1) The amount of betterment contribution payable in respect of any land referred to in section 3 shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion of such construction, restoration, expansion or alteration :

Provided that the amount of betterment contribution payable in respect of any land shall not be more than three hundred rupees per acre :

Provided further that no betterment contribution shall be leviable in respect of any land,—

(i) which is unarable (Kharab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bandhara, pond, spring pond, kunta, talaparige or madugu, which is not capable of irrigating more than one hundred acres of land ;

Provided also that for purposes of this sub-section, the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the landholders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—

(*a*) their objections,—

(i) to the inclusion of the lands in the statement as lands under the irrigable command of the irrigation work ;

(ii) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability ; and

(*b*) in respect of payment of betterment contributions, the basis on which they claim that the amount of betterment contribution has to be computed.
Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the landholder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any landholder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying—

(*a*) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work ;

(*b*) the amount of betterment contribution payable in respect of the said lands ; and

(*c*) the date from which such betterment contribution shall be payable.

(6) The Government or any person aggrieved by order made under sub-section (5) may, within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of the Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any court of law."

5. *Amendment of section* 5.—In section 5 of the principal Act,—

(1) in sub-section (1), for the words " basic contribution ", the word " contribution " shall be substituted, and at the end of the sub-section, the following proviso shall be added, namely ;—

" Provided that no notice of demand shall be served on a landholder until an order made under sub-section (5) of section 4 becomes final " ;

(2) in sub-section (2), for the words " basic contribution ", the word " contribution " shall be substituted ;

(3) sub-section (3) shall be omitted.

6. *Amendment of section* 6.—In section 6 of the principal Act, for the words " basic contribution ", wherever they occur, the word " contribution " shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stg. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 28 LGN 64, Bangalore, dated 28—30th April 1966.

Ordered that the **Mysore Secondary Education Examination Board Act, 1966**, which received the assent of the Governor on the Twenty-seventh day of April 1966, be published as Mysore Act No. 16 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 16 OF 1966.

(First published in the Mysore Gazette *dated the 5th May, 1966).*

THE MYSORE SECONDARY EDUCATION EXAMINATION BOARD ACT, 1966.

(Received the assent of the Governor on the 27th day of April, 1966).

An Act to provide for the establishment of a Secondary Education Examination Board for the State of Mysore.

WHEREAS it is expedient to establish a Board for the purpose of holding and conducting certain public examinations;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Secondary Education Examination Board Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Board" means the Mysore Secondary Education Examination Board constituted under this Act;

(b) "bye-laws" means bye-laws made by the Board under this Act;

(c) 'Chairman" means the Chairman of the Board;

(d) "Committee" means a Committee appointed under this Act;

(e) "examination" means an examination conducted by the Board;

(f) "Examiner" includes the Chief Examiner, the Joint Chief Examiner, the Deputy Chief Examiner and a Paper-setter;

(g) "Head Master" or "Head Mistress" means the head of the teaching staff of a recognised High School, by whatever name designated;

(h) "notification" means a notification published in the official Gazette;

(i) "prescribed" means prescribed by rules made by the State Government under this Act;

(j) "recognised High School" means a High School, a Higher Secondary School, a Multipurpose High School or a Junior Technical School recognised by the Director of Public Instruction in Mysore or an officer authorised by him in this behalf;

(k) "regulations" means regulations made by the Board under this Act;

(l) "rules" means rules made by the State Government under this Act;

(m) "Secretary" means the Secretary of the Board;

(n) "Supervisor" includes Chief Superintendent, Block Superintendent, Assistant Superintendent, Room Superintendent and Custodian;

(o) "Vice-Chairman" means the Vice-Chairman of the Board.

3. Incorporation of the Board.—(1) The State Government shall, as soon as may be, establish by notification a Board of Secondary Education Examination with effect from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Mysore Secondary Education Examination Board and shall have perpetual succession and a common seal and may sue and be sued by the corporate name and shall be competent to acquire and hold property, both moveable and immoveable, and subject to such restrictions and conditions as may be prescribed, to lease, sell or otherwise

transfer moveable or immoveable property which may have been vested in or acquired by it and to contract and do all things necessary for the purposes of this Act.

4. Constitution of the Board.—(1) The Board shall consist of a Chairman, a Vice-Chairman and members as specified in this section.

(2) The Chairman shall be an officer of the Department of Public Instruction, not below the rank of a Joint Director, appointed by notification by the State Government. He shall be a wholetime officer of the Board and shall hold office during the pleasure of the State Government.

(3) The Joint Director of Public Instruction, in charge of Secondary Education shall, *ex-officio*, be the Vice-Chairman.

(4) The Board shall also consist of the following members:—

(*A*) *Ex-officio members*:

(*a*) two Divisional Deputy Directors of Public Instruction, designated by the State Government;

(*b*) one District Educational Officer, designated by the State Government;

(*c*) an Officer of the Department of Technical Education, designated by the State Government;

(*d*) an Officer of the Department of Agriculture designated by the State Government;

(*e*) seven Officers of the Department of Public Instruction, who are in charge of Commercial Education, Home Science Education, Arts and Crafts, Music, Drama and Dance, Hindi Education, Samskrit Education and Physical Education, designated by the State Government.

(*B*) *Elected Members*:—

Two members elected in the manner prescribed from amongst themselves by the members of

the Academic Councils of each of the Universities established by law in the State.

(*O*) *Nominated Members*:

(*a*) five members nominated by the State Government from amongst Head Masters and Head Mistresses of recognised High Schools;

(*b*) five members nominated by the State Government from amongst teachers in recognised High Schools who have put in not less than ten years service as teachers;

(*c*) one of the Principals of the Secondary Teachers' Training Colleges in the State nominated by the State Government;

(*d*) two of the heads of the Primary Teachers' Training Colleges in the State, nominated by the State Government;

(*e*) six persons (not being Head Masters, Head Mistresses or teachers in recognised High Schools) who have had experience in matters connected with Secondary Education, nominated by the State Government:

Provided that a member shall cease to hold office as such member, —

(*i*) if he is elected under paragraph (*B*) and ceases to be the member of the Academic Council concerned;

(*ii*) if he is nominated under clause (*a*) or clause (*b*) of paragraph (*C*) and ceases to be either a Head Master, or a Head Mistress, or a teacher of a recognised High School, as the case may be; and

(*iii*) if he is nominated under clause (*c*) or clause (*d*) of paragraph (*C*) and ceases to be a Principal of a Secondary Teachers' Training College or the head of a Primary Teachers' Training College.

(5) The names of persons who have been nominated or elected to be members of the Board in accordance with sub-section (4) shall be published by the State Government by notification in the official Gazette.

5 Term of office of members.—The members of the Board other than *ex-officio* members shall hold office for a term of three years from the date of publication of their names under sub-section (5) of section 4, and on the expiration of such term shall be eligible for being re-elected or re-nominated:

Provided that the term of office of outgoing members shall be deemed to extend to and expire with the date on which the names of their successors elected or nominated, as the case may be, are published under sub-section (5) of section 4.

6. Disqualifications of members.—A person shall be disqualified for being appointed, or for being elected, or nominated as, and for being, a member of the Board or for being a member of any Committee under this Act,—

(i) if he directly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of, the Board;

(ii) if he is a person against whom an order has been made under sub-section (1) of section 23:

Provided that where the order has been made on the ground that such person has been guilty of negligence, the disqualification shall cease to have effect after the expiry of the period specified in the order.

7. Disqualifications of co-opted persons.—A person shall be disqualified for being co-opted to the Examiners' Committee or any other committee appointed under section 21 or section 22 or for continuing to act after co-option, if he is or becomes subject to any disqualification specified in section 6.

8. **Vacancy owing to disqualifications.**—If any member of the Board or a Committee during the term for which he has been appointed, elected or nominated, as the case may be, becomes subject to any disqualification under section 6 or section 7, his office shall thereupon become vacant.

9. **Vacancy owing to absence.**—If any member of the Board during the term for which he has been elected or nominated absents himself from three consecutive meetings of the Board, without the permission of the Board, his office shall thereupon become vacant.

10. **Vacancy to be published.**—Any vacancy occurring under section 8 or section 9 shall be published by the Board in the official Gazette.

11. **Removal from membership.**—(1) The State Government may, on the recommendation of the Board, remove any member of the Board or a Committee, if he has been convicted by a court of law of any offence involving moral turpitude, or if he has been guilty of scandalous conduct.

(2) No recommendation for the removal of any member shall be made by the Board unless the person concerned has been given a reasonable opportunity of being heard.

(3) The name of any member who has been removed from the Board or a Committee under sub-section (1) shall be published in the official Gazette.

12. **Resignation of the members of the Board.**—A member of the Board, other than an *ex-officio* member, may resign his seat at any time by giving notice thereof in writing to the Chairman and such member shall be deemed to have vacated his seat as soon as the Chairman has received his resignation.

13. **Casual vacancies.**—All casual vacancies among the members (other than *ex-officio* members) of the Board or any Committee constituted under this Act shall be filled up, as soon as may be, by election, nomination or

appointment, as the case may be, and the person elected, nominated or appointed to a casual vacancy shall hold office so long only as the member in whose place he is elected, nominated or appointed would have held it, if the vacancy had not occurred.

14. Temporary association of persons with the Board, etc.—(1) The Board may associate with itself persons not exceeding three, whose assistance or advice it may desire in performing any of its functions under this Act.

(2) The Board may co-opt persons, not exceeding three in each case, to the Examiners' Committee or other committees for special purposes.

(3) A person associated under sub-section (1) or co-opted under sub-section (2) shall not be deemed to be a member of the Board or the committee as the case may be and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board or the committee relevant to the purpose for which he was associated or co-opted.

15. Powers and duties of the Board.—Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely :—

(*a*) to hold,—

(*i*) the Mysore Secondary School Leaving Certificate Examination ;

(*ii*) the Teachers Certificate Examination (Higher);

(*iii*) the Teachers Certificate Examination (Lower);

(*iv*) any other examination which the State Government may from time to time by notification specify ;

(*b*) to make regulations for all or any of the matters specified in section 26 ;

(*c*) to make regulations for imposing penalties for acts of misconduct committed by students seeking admission to and appearing for examinations ;

(*d*) to appoint Examiners and Supervisors and to fix their remuneration and to arrange for the conduct of, and for publishing the results of, examinations ;

(*e*) to fix, demand and receive such fees and other charges as may be prescribed by regulations ;

(*f*) to award certificates to students passing examinations ;

(*g*) to receive bequests, donations, endowments, trusts and transfers of any property or interest therein or right thereto ;

(*h*) to hold any property, interest or right referred to in clause (*g*) and to manage or deal with the same ;

(*i*) to borrow moneys with or without security for such purposes as may be approved by the State Government from the Central Government, the State Government or incorporated bodies approved by the State Government, subject to the provisions of this Act ;

(*j*) to award stipends, scholarships, medals, prizes and other rewards ;

(*k*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act or as may be prescribed ;

(*l*) to do all such acts and things as may be necessary to carry out the purposes of this Act.

16. Meetings of the Board.—The Board shall ordinarily meet at least once in every three months. The Chairman may, at any time, and shall, upon the written request of not less than one-third of the members of the Board, and on a date not more than ten days after the receipt of such request, call a special meeting of the Board.

17. Powers and duties of the Chairman.—(1) The Chairman shall preside over the meetings of the Board and of all the Committees of the Board. He shall have power to convene meetings of the Board and of all its Committees.

(2) The Chairman shall be the principal executive officer of the Board and shall exercise general control, supervision and inspection over its affairs. It shall be his duty to ensure that the provisions of this Act, the rules, regulations and bye-laws are duly observed and he shall have and exercise all powers necessary for the purpose.

(3) The Chairman may take action in any emergency which in his opinion calls for immediate action. He shall in such a case, and as soon as may be thereafter, report his action to the Board or the Committee which would ordinarily have dealt with the matter.

(4) Where a difference of opinion arises between the Chairman and the Board or a Committee in respect of any action taken under sub-section (3), the Chairman shall submit the matter to the State Government through the Director of Public Instruction and the decision of the State Government thereon shall be final.

(5) Notwithstanding anything contained in the provisions of this Act, the rules and regulations, it shall be within the competence of the Chairman in any emergency to dispense with strict compliance of the said provisions, in the matter of date, time, place and order of examinations and generally of all matters dealing with any procedure connected with or incidental to the conduct of the examinations by the Board.

(6) During the absence of the Chairman on leave, by reason of illness or deputation on other duty connected with the Board or any other cause or pending filling up of the vacancy caused in any manner, his duties shall be performed by the Vice-Chairman and in the absence of the Vice-Chairman by such member as the State Government may direct.

18. Appointment, powers and duties of Secretary.—(1) The Board shall have a Secretary who shall be an officer of the Department of Public Instruction not below the rank of a Deputy Director of Public Instruction, appointed by the State Government.

(2) The Secretary shall, subject to the control of the Chairman exercise such powers and perform such duties as may be prescribed.

(3) He shall be entitled to be present at the meetings of the Board but shall not be entitled to vote thereat.

19. Appointment of other officers and servants, etc.—(1) Subject to the general or special orders of the State Government, the Board may appoint officers and servants (other than the Chairman and the Secretary) from among Government servants of the Department of Public Instruction as may be required to enable the Board to discharge its functions under this Act.

(2) Every appointment under sub-section (1) shall be made from the list of persons prepared from time to time by a committee of the Board, to be called the Appointment Committee, consisting of the Chairman, the Vice-Chairman and two members who are not *ex-officio* members.

(3) When the list referred to in sub-section (2) has not been prepared or when prepared is exhausted and a fresh list has not been prepared, the Chairman may make temporary appointments from among Government servants in the Department of Public Instruction for a period not exceeding six months. The Chairman shall make a report of such appointments to the Board at its next meeting.

(4) The Chairman, the Secretary and the other Officers and servants of the Board shall be Government servants. The Board may recommend to the State Government the taking of such disciplinary action against any of them in respect of any misconduct by him.

20. Salary and Allowances of the staff.—(1) The salary and allowances of the Chairman, the Secretary and the other officers and servants of the Board shall be met from the Consolidated Fund of the State.

(2) The Board shall pay every year out of the Board fund to the State Government such amount as the State

Government may determine on account of salary, pension, leave and other allowances of the Chairman, the Secretary and other officers and servants of the Board.

21. Examiners' Committee.—(1) There shall be a Committee called the Examiners' Committee for the purpose of drawing up the panel of names of Examiners.

(2) The Examiners' Committee shall consist of—

(i) the Chairman ;

(ii) ten Members appointed by the Board in the manner specified below :—

(*a*) three from amongst the *ex-officio* members of the Board ;

(*b*) four from amongst the elected members of the Board ;

(*c*) three from amongst the nominated members of the Board.

(3) The Examiners' Committee shall draw up panels of the names of the Examiners. Such panels shall consist of such number as may be prescribed by the regulations.

(4) The Chairman shall make appointments of Examiners out of the panel drawn up by the Examiners' Committee.

(5) The Chairman may in an emergency appoint any Examiner outside the panels drawn up by the Examiners' Committee and when any such appointment is made, he shall report such appointment to the Board.

(6) The members of the Examiners' Committee other than the Chairman, shall hold office for a term of one year from the date of their appointment.

22. Other Committees.—(1) The Board may in the manner prescribed by bye-laws, appoint such other Committees consisting of the members of the Board as it may think necessary for the efficient discharge of its functions under this Act or the rules or regulations.

(2) The number of members and the duties and functions of such Committees shall be such as may be determined by the Board.

23. Termination of Examiners' appointment for misconductor negligence.—(1) If at any time it appears to the Board that a person appointed as an Examiner under this Act, has been guilty of misconduct or negligence, which renders his appointment as an Examiner inexpedient, the Board may make an order terminating his appointment and directing that such person shall not be eligible for appointment as an Examiner at any time or for a specified period. Before making such order, the Board shall observe such procedure as may be prescribed by the regulations.

(2) The name of the person against whom an order has been made under sub-section (1) shall not be included in the panel of names submitted under section 21 for such period as may be specified in such order.

(3) Any person aggrieved by an order made under sub-section (1) may appeal to the State Government within sixty days from the date of the order. On such appeal being filed, the State Government may, after making such enquiry as it thinks fit, confirm, modify or reverse the order. The order of the State Government on such appeal shall be final.

24. Board Fund.—(1) The Board shall have its own fund and the following moneys shall be placed to the credit thereof :—

(*a*) fees and charges levied by the Board ;

(*b*) contribution, if any, paid by the State Government ; and

(*c*) any money received by or on behalf of the Board.

(2) The Board Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorised by the Indian Trusts Act, 1882 at the discretion of the Board.

25. Annual accounts and financial estimates.—(1) The Board shall prepare the annual accounts and submit them to the State Government for audit. The State Government shall cause the accounts to be audited and the Board shall pay such charges for the audit as the State Government may, from time to time, determine.

(2) The Board shall prepare, before such date as may be prescribed, the financial estimates for the ensuing year and forward them to the State Government for its sanction. The State Government may pass such orders with reference thereto as it thinks fit and communicate the same to the Board and the Board shall give effect to such orders.

(3) The Board shall prepare and forward to the State Government in the prescribed manner within three months from the end of the year an annual report giving a complete account of its activities during the previous year. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the State Government.

Explanation.—In this section 'year' means the year commencing on the first day of August.

26. Power of Board to make regulations.—(1) The Board may, from time to time, by notification, make regulations not inconsistent with this Act and the rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) appointment of Examiners and their remuneration;

(*b*) qualifications and disqualifiations of Examiners;

(*c*) arrangements for the conduct of and for publishing the results of examinations;

(*d*) the admission of candidates to the examinations and the conditions governing such admissions ;

(*e*) the marks required for passing in any subject or the examination as a whole, and for exemption, credit or distinction in any subject ;

(*f*) fixing of fees and charges in respect of examinations ;

(*g*) awarding of certificates to the successful students ;

(*h*) the procedure to be followed at the meetings of the Examiners' Committee, the number of members required to form a quorum at such meetings; and the travelling and other allowances to be drawn by the members of the Examiners' Committee and persons co-opted to that committee ;

(*i*) the procedure to be observed before making an order under section 23 ;

(*j*) providing for all matters which by this Act are to be or may be provided for by regulations.

27. Approval of regulations by State Government.—No regulation made under section 26 shall have effect until it is approved by the State Government.

28. Making of first regulations and bye-laws.—Notwithstanding anything contained in section 26 or section 31, the first regulations and the first byelaws shall be made by the State Government and they shall continue in force till new regulations or bye-laws are made by the Board under the said sections and approved by the State Government.

29. First appointment of University representatives.—Notwithstanding anything contained in section 4, the members under paragraph (*B*) of sub-section (4) of section 4 may, on the first constitution of the Board, be nominated by the State Government, but the members so nominated shall hold office only until they can be replaced

by members elected as provided in that paragraph and the members so elected shall hold office so long only as the members replaced would have held office had they not been replaced.

30. Proceedings not invalidated by reason of vacancies etc.—No act or proceeding of the Board or of the Examiners' Committee or any other committee constituted by the Board shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of, the Board or a committee or any other defect or informality not affecting the merits of the case.

31. Power of the Board to make bye-laws.—(1) The Board may, by notification, make bye-laws not inconsistent with this Act, the rules and the regulations to provide for all or any of the following matters, namely:—

(*a*) the procedure to be followed at the meetings of the Board and a Committee and the number of members required to form a quorum at such meetings;

(*b*) the travelling and other allowances which may be drawn by members of the Board and a Committee and of persons temporarily associated with the Board or co-opted to a Committee;

(*c*) any other matters solely concerning the Board and such Committees not provided for by this Act, the rules, or the regulations.

(2) No bye-law made under sub-section (1) shall have effect unless approved by the State Government.

32. Information, returns, etc., to be furnished by Board.—(1) The Board shall furnish to the State Government or the Director of Public Instruction such reports, returns and statements as may be required by the State Government or the Director, and such further information relating to any matter connected with the work of the Board as the State Government or the Director may require.

(2) The State Government may, after considering any such report, return or statement and any information furnished by the Board, give such directions consistent with this Act as may be necessary and the Board shall comply with such directions.

33. Powers of the State Government.—(1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(3) If the Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(4) When any emergency in the opinion of the State Government requires that immediate action should be taken, the State Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered to be or purporting to be ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

34. Power to make rules.—(1) The State Government may, by notification and subject to the condition of previous

publication, make rules for carrying into effect the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

35. Responsibility of Chairman, Vice-Chairman and members.—The Chairman, the Vice-Chairman and every member of the Board or of any Committee shall be personally responsible for the wilful misapplication of any funds of the Board to which he had been a party or which has happened through, or has been facilitated by, gross neglect of his duty, and, without prejudice to any other action against him, may be sued for the recovery of the moneys so misapplied as if such moneys had been the properties of the State Government :

Provided that no person shall be personally liable in respect of any contract or agreement made, or for any expenses incurred by or on behalf of the Board, if the contract or agreement is made or the expenses are incurred in good faith and in the discharge of his duties; and the Board fund shall be liable for, and be charged with, all costs in respect of any contract or agreement and all such expenses.

36. Chairman, Vice-Chairman, etc., to be public servants.—The Chairman, the Vice-Chairman, the members, the Secretary and other officers and servants of the Board, and every person entrusted with any duty connected with the conduct of any examination by the Board shall be deemed to be

public servants within the meaning of section 21 of the Indian Penal Code.

37. Bar of suits, etc. for acts done in good faith.—No suit or other legal proceeding shall lie in respect of anything in good faith done or intended to be done under this Act against the Board or against any Committee constituted under this Act or against the Chairman, or Vice-Chairman, Secretary or any other officer or servant of the Board or against any person acting under and in accordance with the directions of the Board, a Committee, Chairman, Vice-Chairman, Secretary, officer or servant of the Board.

38. Previous notice for suits, etc.—(1) No suit shall be instituted against the Board, a Committee, the Chairman, the Vice-Chairman, Secretary or other officer or servant of the Board, or any person acting under the order or direction of the Board, a Committee, Chairman, Vice-Chairman, Secretary, officer or servant in respect of any act done or purporting to have been done in pursuance of this Act or any rule, regulation, bye-law or order made thereunder until the expiration of sixty days next after notice in writing stating the cause of action, the nature of the relief sought, the amount of compensation claimed, the name and place of residence of the intending plaintiff and the relief which he claims has been, in the case of the Board delivered or left at its office, and in the case of the Chairman, Vice-Chairman, Secretary or other officer, servant or person, delivered to him or left at his office or place of residence and unless the plaint contains a statement that such notice has been so delivered or left.

(2) Nothing in this section shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

39. Removal of difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the official Gazette, do anything which appears to it to be

necessary for the purpose of removing any difficulty, and any such order shall have effect as if enacted in this Act.

(2) Every order published under sub-section (1) shall as soon as may be after it is published be laid before both Houses of the State Legislature.

40. Repeal.—The Bombay Secondary School Certificate Examination Act, 1948 (Bombay Act 49 of 1948) as in force in the Bombay Area is hereby repealed.

41 Amendments of certain enactments.—The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in column (3) thereof.

SCHEDULE

(*See* section 41)

Number	Short title	Extent of amendments
(1)	(2)	(3)
1. Bombay Act XX of 1949.	The Karnatak University Act, 1949.	In section 39, for clause (i), the following clause shall be substituted, namely.— "(i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board, or"
2. Mysore Act No. 23 of 1956.	The Mysore University Act, 1956.	For section 50, the following section shall be substituted, namely.— "50. *Eligibility for admission of students.*—No student shall be eligible for admission to the University unless he has passed,— (i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board ; or (ii) any other examination prescribed as equivalent to the examination referred to in clause (i), by the Ordinances or Regulations, and possesses such further qualification, if any, as may be prescribed by the Ordinances or Regulations."

1	2	3
3. Mysore Act No. 26 of 1964.	The Bangalore University Act, 1964.	For section 53, the following section shall be substituted, namely :— "53. *Eligibility for admission of students.*—No student shall be eligible for admission to the University unless he has passed,— (i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board ; or (ii) any other examination prescribed as equivalent to the examination referred to in clause (i), by the Ordinances, or Regulations, and possesses such further qualification, if any, as may be prescribed by the Ordinances or Regulations."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stry. & Publications at the Govt. Press, Bgln.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 15 LGN 66, Bangalore, dated 5th May 1966

Ordered that the **Mysore Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1966** which received the assent of the Governor on the twenty-ninth day of April 1966, be published as Mysore Act No. 15 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 15 OF 1966.

(*First published in the* Mysore Gazette *on the fifth day of May* 1966).

THE MYSORE MOTOR VEHICLES (TAXATION ON PASSENGERS AND GOODS) (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the twenty-ninth day of April 1966).

An Act further to amend the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 (Mysore Act 10 of 1961) ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Motor Vehicles (Taxation on Passengers and Goods) (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. *Amendment of Schedule.*—In the Schedule to the Mysore Motor Vehicles (Taxation on Passengers and Goods) Act, 1961 (Mysore Act 10 of 1961), in clause (*a*) of paragraph 1, for the words "seventy-five naye paise" and "seven rupees and fifty naye-paise", the words "eighty paise" and "eight rupees and fifty paise" shall respectively be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 61 LGN 66, Bangaloro, dated 18th May 1966

Ordered that the Mysore Stamp (Amendment) Bill, 1966 which received the assent of the Governor on the Sixteenth day of May 1966, be published as Mysore Act No. 17 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 17 OF 1966

(First published in the Mysore Gazette *on the Twenty-sixth day of May 1966).*

THE MYSORE STAMP (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Sixteenth day of May 1966)

An Act further to amend the Mysore Stamp Act, 1957.

WHEREAS it is expedient further to amend the Mysore Stamp Act, 1957 (Mysore Act 34 of 1957) ;

BE it enacted be the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Stamp (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 3.—In clause (1) of the proviso to section 3 of the Mysore Stamp Act, 1957 (Mysore Act 34 of 1957) (hereinafter referred to as the principal Act), for the word "Government" in the two places where it occurs, the words "State Government" shall be substituted.

3. Amendment of section 28.—Section 28 of the principal Act shall be renumbered as sub-section (1) thereof and after the sub-section as so renumbered, the following sub-section shall be inserted, namely :—

"(2) In the case of instruments relating to immovable property chargeable with an *ad valorem* duty on the value of the property, and not on the value set forth, the instrument shall fully and truly set forth the annual land revenue in the case of revenue paying land, the annual rental or gross assets, if any, in the case of other immovable property, the local rates, municipal

or other taxes, if any, to which such property may be subject, and any other particulars which may be prescribed by rules made under this Act.",

4. Insertion of new section 63-A.—After section 63 of the principal Act, the following section shall be inserted, namely :—

"**63-A. Penalty for contravention of other provisions.**—Any person who wilfully acts in contravention of any of the provisions of this Act in respect of which no other provision has been made in this Chapter, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.".

5. Insertion of new section 67-B.—After section 67-A of the principal Act, the following section shall be inserted, namely :—

"**67-B. Deputy Commissioner's power to authorise officers to enter premises and inspect certain documents.**—The Deputy Commissioner may, where he has reason to believe that any of the instruments specified in Articles 5 and 37 of the Schedule have not been charged at all or incorrectly charged with duty leviable under this Act, authorise in writing any officer to enter upon any premises where he has reason to believe that any registers, books, records, papers, documents or proceedings relating to or in connection with any such instrument are kept and to inspect them and to take such notes and extracts as such officer deems necessary. Every person having in his custody or maintaining such registers, books, records, papers, documents or proceedings shall at all reasonable times permit the officer authorised by the Deputy Commissioner to inspect them and take the notes and extracts as he may deem necessary.".

6. Amendments to the Schedule.—In the Schedule to the principal Act,—

(1) for Article 5, the following Article shall be substituted, namely :—

"5. *Agreement or Memorandum of an agreement—*	
(*a*) if relating to the sale of a bill of exchange.	Fifty paise.
(*b*) if relating to the purchase or sale of a Government security.	Subject to a maximum of forty rupees, twenty-five paise for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(*c*) if relating to the purchase or sale of shares, scrips, stocks,, bonds, debenture stocks or any other marketable security of a like nature, in or of any incorporated company or other body corporate,—	
(i) when such agreement or memorandum of an agreement is with or through a member or between members of a Stock Exchange recognised under the Securities Contracts (Regulation) Act, 1956.	Fifteen paise for every two thousand and five hundred rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(ii) in other cases	Fifty paise for every two thousand and five hundred rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(*d*) if not otherwise provided for	Three rupees.
Exemptions—	
Agreement or Memorandum of Agreement—	
(*a*) for or relating to the purchase or sale of goods or merchandise exclusively, not being a note or memorandum chargeable under Article 37;	
(*b*) made in the form of tenders to the Central Government for or relating to any loan."	

(2) in clause (*a*) of Article 11, the words " as set forth in such award " shall be omitted.

(3) for Article 28, the following Article shall substituted, namely :—

"28. *Gift.*—Instrument of, not being a Settlement (No. 48) or Will or Transfer, (No. 52)	The same duty as a Conveyance, (No. 20), for a consideration, equal to the value of the property which is the subject matter of the gift : Provided that where an instrument of gift contains any provision for the revocation of the gift, the value of the property, which is the subject matter of the gift, shall, for the purposes of duty, be determined as if no such provision were contained in the instrument."

(4) for Article 37, the following Article shall be substituted, namely :—

"37. *Note or Memorandum*—	
Sent by a Broker or Agent to his principal intimating the purchase or sale on account of such principal—	
(*a*) of any goods exceeding in value twenty rupees.	Fifty paise.
(*b*) of any share, scrip, stock, bond, debenture, debenture stock or other marketable security of a like nature exceeding in value twenty rupees, not being a Government security.	Fifteen paise for every two thousand and five hundred rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.
(*c*) of a Government security	Subject to a maximum of forty rupees, twenty-five paise for every ten thousand rupees or part thereof of the value of the security at the time of its purchase or sale, as the case may be.

(5) in Article 48—

(*i*) in clause A, in the second column, the words "as set forth" shall be omitted;

(*ii*) in clause B, in the second column, the words "as set forth" shall be omitted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

No. 17 LAW LGN 63, Bangalore, dated 21st May 1966.

Ordered that the **Mysore Industrial Areas Development Act, 1966,** which received the assent of the President on the Fourteenth day of May 1966, be published Mysore Act No. 18 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 18 OF 1966.

(First published in the Mysore Gazette *on the Twenty-sixth day of May 1966.)*

THE MYSORE INDUSTRIAL AREAS DEVELOPMENT ACT, 1966.

(Received the assent of the President on the Fourteenth day of May, 1966).

An Act to make special provision for securing the establishment of industrial areas in the State of Mysore and generally to promote the establishment and orderly development of industries therein, and for that purpose to establish an Industrial Areas Development Board and for purposes connected with the matters aforesaid.

WHEREAS it is expedient to make special provision for securing the establishment of industrial areas in the State of Mysore and generally to promote the establishment and the orderly development of industries in such industrial areas, and for that purpose to establish an Industrial Areas Development Board and for purposes connected with the matters aforesaid:

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Industrial Areas Development Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) This Act except Chapter VII shall come into force at once; Chapter VII shall come into force in such area

and from such date as the State Government may, from time to time, by notification, specify in this behalf.

2. *Definitions*.—In this Act, unless the context otherwise requires,—

(1) "amenity" includes road, supply of water or electricity, street lighting, drainage, sewerage, conservancy, and such other convenience, as the State Government may, by notification specify to be an amenity for the purposes of this Act;

(2) "Board" means the Industrial Areas Development Board established under this Act;

(3) "building" means any structure or erection or part of a structure or erection, which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(4) "Deputy Commissioner" means the Deputy Commissioner of the district concerned, and includes any officer specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;

(5) "development" with its grammatical variations means the carrying out of levelling, digging, building, engineering, quarrying or other operations in, on, over or under land, or the making of any material change in any building or land, and includes re-development; and "to develop" shall be construed accordingly;

(6) "industrial area" means any area declared to be an industrial area by the State Government by notification which is to be developed and where industries are to be accommodated; and includes, an industrial estate;

(7) "industrial estate" means any site selected by the State Government where factories and other buildings are built for use by any industries or class of industries;

(8) "notification" means a notification published in the official Gazette;

(9) "premises" means any land or building or part of a building and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building ; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof ;

(10) "prescribed" means prescribed by rules made under this Act ;

(11) the expression "land" and the expression "person interested" shall have the meanings respectively assigned to them in section 3 of the Land Acquisition Act, 1894 (Central Act 1 of 1894).

CHAPTER II.

INDUSTRIAL AREAS.

3. *Declaration of industrial areas.*—(1) The State Government may, by notification, declare any area in the State to be an industrial area for the purposes of this Act.

(2) Every such notification shall define the limits of the area to which it relates.

4. *Alteration of industrial area.*—The State Government may at any time, by notification, exclude from any industrial area, any area, or include therein any additional area, as may be specified in such notification.

CHAPTER III.

ESTABLISHMENT AND CONSTITUTION OF THE BOARD

5. *Establishment and incorporation.*—(1) For the purposes of securing the establishment of industrial areas in

the State of Mysore and generally for promoting the rapid and orderly establishment and development of industries in industrial areas in the State of Mysore, there shall be established by the State Government by notification a Board by the name of the Mysore Industrial Areas Development Board.

(2) The said Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall subject to the provisions of this Act and the rules made thereunder be competent to acquire, hold and dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act.

6. *Constitution.*—The Board shall consist of the following memebers, namely :—

(*a*) the Secretary to the Government of Mysore, Commerce and Industries Department who shall *ex-officio* be the Chairman of the Board ;

(*b*) the Secretary to the Government of Mysore, Finance Department ;

(*c*) the Director of Industries and Commerce ;

(*d*) the Executive Member of the Board ; and

(*e*) one member nominated by the State Government from among persons appearing to the State Government to be qualified as having had experience of, and having shown capacity in, industry or trade or finance, or who is in the opinion of the State Government capable of representing the interests of industry or commerce.

7. *Term of office and conditions of service of members.*—(1) The member nominated under clause (*e*) of section 6 shall hold office for a period of two years.

(2) The members of the Board shall be entitled to draw such compensatory allowance as may be prescribed, for the purpose of meeting the personal expenditure incurred

in attending the meetings of the Board or of any Committee thereof or when appointed in connection with the work undertaken by or for the Board.

8. *Meetings of the Board.*—(1) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

9. *Vacancy of nominated member how to be filled.*—Any vacancy of a member of the Board nominated under clause (*e*) of section 6 shall be filled as early as practicable, by a person eligible for nomination under the said clause :

Provided that during any such vacancy the continuing members mav act as if no vacancy had occurred.

10. *Temporary absence of nominated member.*—If a member of the Board nominated under clause (*e*) of section 6 is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties, or is granted leave of absence, or is otherwise unable to attend to his duties, the State Government may nominate another person to act for him and carry out his duties and functions under this Act. Such person shall vacate office on the date when the member resumes his duties

11. *Employees of the Board.*—(1) The State Government shall appoint an officer of the State Government as the executive Member of the Board who shall be the Chief Executive Officer of the Board. His terms and conditions of office shall be such as may be determined by the State Government.

(2) The Board may appoint such employees subordinate to the Executive Member, as it considers necessary for the efficient performance of its duties and functions. The terms and conditions of service of the said employees shall be such as may be determined by regulations made under this Act.

12. *Savings of validity of proceedings.*—No act done or proceedings taken under this Act shall be questioned merely on the ground—

(*a*) of any vacancy or defect in the constitution of the Board or of any committee thereof ; or

(*b*) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

CHAPTER IV.

Functions and Powers of the Board.

13. *Functions.*—The functions of the Board shall be—

(i) generally to promote and assist in the rapid and orderly establishment, growth and development of industries in industrial areas, and

(ii) in particular, and without prejudice to the generality of clause (i), to—

(*a*) develop industrial areas declared by the State Government and make them available for undertakings to establish themselves ;

(*b*) establish, maintain, develop and manage industrial estates within industrial areas ;

(*c*) undertake such schemes or programmes of works, either jointly with other corporate bodies or institutions, or with the Government or local or statutory authorities, or on an agency basis, as it considers necessary or desirable, for the furtherance of the purposes for which the Board is established and for all purposes connected therewith.

14. *General powers of the Board.*—Subject to the provisions of the Act, the Board shall have power,—

(*a*) to acquire and hold such property, both movable and immovable as the Board may deem necessary for

the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Board ;

(*b*) to purchase by agreement or to take on lease or under any form of tenancy any land, to erect such buildings and to execute such other works as may be necessary for the purpose of carrying out its duties and functions ;

(c) to provide or cause to be provided amenities and common facilities in industrial areas and construct and maintain or cause to be maintained works and buildings therefor ;

(*d*) to make available buildings on lease or sale or lease-*cum*-sale to industrialists or persons intending to start industrial undertakings ;

(*e*) to construct buildings for the housing of the employees of industries ;

(*f*) (i) to allot to suitable persons factory sheds or such buildings or parts of buildings including residential tenements in the industrial areas established or developed by the Board ;

(ii) to modify or rescind such allotments, including the right and power to evict the allottees concerned on breach of any of the terms or conditions of their allotment ;

(*g*) to deligate any of its powers generally or specially to the Executive Member ;

(*h*) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions ; and

(*i*) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions, and the carrying into effect the purposes of this Act.

15. *Authentication of orders and documents of the Board.*—All permissions, orders, decisions, notices and other documents of the Board shall be authenticated by the signature of the Executive Member or any employee authorised by the Board in this behalf.

16. *Notification of any industrial area as notified area under Mysore Act 22 of* 1964.—The State Government may by notification—

(*a*) declare that the provisions of Chapter XV of the Mysore Municipalities Act, 1964, and any other provisions of that Act, shall extend to and be brought into force, in any industrial area, and thereupon such industrial area shall be deemed to be a notified area under Chapter XV of that Act ;

(*b*) appoint the Board or any officer of the Board for purposes of section 350 of that Act ;

(*c*) provide that the provisions of any other law relating to local authorities which is in force in that area shall cease to apply, and thereupon such provisions shall cease to apply thereto ;

(*d*) make such other provision as is necessary for the purposes of enforcement of Chapter XV of that Act in that industrial area.

17. *Directions by State Government.*—The State Government may issue to the Board such directions of a general nature as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Board shall be bound to follow and act upon such directions.

CHAPTER V.

Finance, Accounts and Audit.

18. *Application of Board's assets.*—All property, fund and other assets vesting in the Board shall be held and applied by it, subject to provisions and for the purposes of this Act,

19. *Board's fund.*—The Board shall have and maintain its own fund, to which shall be credited—

(*a*) all moneys received by the Board from the State Government by way of grants, loans, advances or otherwise ;

(*b*) all fees, costs, deposits and charges received by the Board under this Act ;

(*c*) all moneys received by the Board from the disposal of lands, buildings and other properties movable and immovable, and from other transactions ;

(*d*) all moneys received by the Board by way of rents or in any other manner or from any other source.

20. *Power of the Board to borrow.*—The Board may, subject to such conditions as may be prescribed, borrow money in the open market or otherwise with a view to providing itself with adequate resources.

21. *Deposits.*—The Board may accept deposits on such conditions as it deems fit from persons, institutions or authorities, to whom allotment or lease or sale of lands, buildings or sheds is made or is likely to be made in furtherance of the objects of this Act.

22. *Budget and programme of work.*—(1) The Board shall, by the last day of January each year prepare and submit to the State Government for approval an annual financial statement and programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) If the approval of the State Government to the annual financial statement and the programme of work has not been received before the last day of March, the Board

may proceed as if the annual financial statement and the programme of work have been approved.

(4) The Board shall be competent to make variations in the programme of work and re-appropriations in the budget in the course of the year provided that all such variations and re-appropriations out of the approved budget are submitted for approval to the State Government.

(5) The State Government may by an order extend the last date prescribed in sub-section (1) for the submission of the annual financial statement and the programme of work.

23. *Expenditure from funds.*—(1) The Board shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from out of the Board's fund.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Board may contribute such sums as it thinks fit towards expenditure incurred or to be incurred by any local authority or statutory public undertaking in the performance, in relation to any of its industrial estates or industrial areas, of any of the statutory functions of such authority or undertaking, including expenditure incurred in the acquisition of land.

24. *Accounts and Audit.*—(1) The Board shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Board shall be audited by an Auditor appointed by the State Government.

(3) As soon as the acounts of the Board are audited, the Board shall send to the State Government—

(*a*) a copy of the audited accounts, and

(*b*) an annual report of the working of the Board for the financial year concerned giving an account of the activities of the Board and such other particulars as may be prescribed, and

(*c*) a report of the Auditor on the audited accounts of the Board.

(4) The State Government shall cause the audited accounts of the Board together with the audit report thereon, and the annual report forwarded to it under sub-section (3) to be laid before each House of the State Legislature as soon as may be after their receipt by the State Government.

CHAPTER VI.

APPLICATION OF THE MYSORE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1961, AND NON-APPLICATION OF THE MYSORE RENT CONTROL ACT, 1961, TO BOARD PREMISES.

25. *Application of Mysore Act 3 of 1962 to Board premises.*—(1) The State Government, may by notification provide from such date as may be specified in such notification that the Mysore Public Premises (Eviction of Unauthorised Occupants) Act, 1961, shall apply to premises belonging to, vesting in, or leased by, the Board as that Act applies in relation to public premises, but subject to the provisions of sub-section (2).

(2) On a notification being issued under sub-section (1), the aforesaid Act and the rules made thereunder shall apply to the premises of the Board with the following modifications, that is to say—

(*a*) the State Government may appoint any officer whether under the Government or the Board, as it thinks fit, to be the competent officer for the purposes of the aforesaid Act;

(*b*) references to "public premises" in that Act and those rules shall be deemed to be references to premises of the Board, and references to "the State Government" in sections 6, 7, 8, 11 and 12 of that Act shall be deemed to be references to the Board.

26. *Non-application of Mysore Act 22 of 1961 to Board premises.*—The Mysore Rent Control Act, 1961,—

(a) shall not apply to any premises belonging to or vesting in the Board under or for the purposes of this Act ;

(*b*) shall not apply as against the Board to any tenancies or like relationship created by the Board in respect of any such premises ;

(*c*) but shall apply to any premises let to the Board.

CHAPTER VII.

Acquisition and Disposal of Land.

27. *Application.*—The provisions of this Chapter shall apply to such areas from such dates as have been notified by the State Government under sub-section (3) of section 1.

28. *Acquisition of land.*—(1) If at any time, in the opinion of the State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherence of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.

(2) On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3 , where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effec :

(5) On the publication in the official Gazette of the declaration under sub-section (4), the land shall vest absolutely in the State Government free from encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under sub-section (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land, may transfer the land to the Board for e purpose for which the land has been acquired.

29. *Compensation.*—(1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation in accordance with the provisions of this Act.

(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be paid in accordance with such agreement.

(3) Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) On receipt of a reference under sub-section (3 , the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land.

30. *Application of Central Act* 1 *of* 1894.—The provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894) shall *mutatis mutandis* apply in respect of the enquiry and award by the Deputy Commissioner, the reference to Court, the apportionment of compensation and the payment of compensation, in respect of lands acquired under this Chapter.

31. *Delegation of powers by the State Government.* The State Government may if it thinks fit delegate any or its powers under this Chapter to any of its officers, by rules made in this behalf.

CHAPTER VIII

Supplementary and Miscellaneous Provisions

32. *Government Lands.*—(1) For the furtherance o the objects of this Act, the State Government may, upon such conditions as may be agreed upon between the State Government and the Board, place at the disposal of the Board any lands vested in the State Government.

(2) After any such land has been developed by, o under the control and supervision of the Board, it shall be dealt by the Board in accordance with the regulations made and directions given by the State Government in this behalf.

(3) If any land placed at the disposal of the Board under sub-section (1), is required at any time thereafter by the State Government, the Board shall replace it at the disposal of the State Government upon such terms and conditions as may be mutually agreed upon.

33. *Powers of the Board in case of certain defaul by owner of land in industrial area.*—(1) If the Board after holding a local enquiry is satisfied that the owner or lessee

of any land in an industrial area has failed to provide any amenity in relation to such land which in the opinion of the Board ought to be provided or to carry out any development of the land for which permission has been obtained under this Act, the Board may serve upon the owner or lessee a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then the Board may itself provide the amenity or carry out the development or have it provided or carried out through such agency and at the expense of the owner or lessee of the land as it deems fit:

Provided that before taking any action under this sub-section, the Board shall afford a reasonable opportunity to the owner or lessee of the land to show cause as to why such action should not be taken.

34. *Penalty for construction or use of land and buildings contrary to terms of holding.*—(1) Any person who undertakes or carries out construction of or alterations to any building in an industrial area or industrial estate contrary to the terms under which he holds such building or land and under this Act shall, on conviction, be punished with fine which may extend to five thousand rupees.

(2) Any person who uses any land or building in an industrial area or industrial estate contrary to the terms under which he holds such land or building under this Act or in contravention of the provisions of any regulations made in this behalf shall, on conviction, be punished with fine which may extend to three thousand rupees.

35. *Powers of entry.*—Any officer of the State Government, any member of the Board and any person either generally or specially authorised by the Board in this behalf, may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(*a*) making any inspection, survey, measurement, valuation or enquiry;

(*b*) inspecting and measuring works under construction, and

(*c*) doing any other things necessary for the efficient administration of this Act:

Provided that no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

36. *Recovery of sums due to the Board as arrears o land revenue.*—All sums payable by any person to the Board or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable, as an arrear of land revenue on the application of the Board.

37. *Withdrawal of area or estate or part thereof.* Where the State Government is satisfied that in respect of any industrial area or any part thereof, the purpose for which the Board was established under this Act has been substantially achieved so as to render the continued existence of such area or part thereof under the Board unnecessary, the State Government may, by notification, declare that such industrial area, or part thereof, has been removed from the jurisdiction of the Board. The State Government may also make such other incidental arrangements for the administration of such area or part thereof as the circumstances necessitate.

38. *Authority for prosecution.*—Unless otherwise expressly provided, no court shall take cognizance of any offence relating to property belonging to, or vested by or under this Act in the Board, punishable under this Act, except on the complaint of, or upon information received from, the Board or some person authorised by the Board by general or special order in this behalf.

39. *Penalty for obstruction.*—Any person who obstructs the entry of a person authorised under stction 35 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exer e

him of any power conferred by or under this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

40. *Power to make rules.*—(1) The State Government, after previous publication, may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregong power, such rules may provide for all or any of the following matters, namely :—

(*a*) the compensatory allowance of members of the Board under section 7 ;

(*b*) the conditions subject to which the Board may borrow under section 20 ;

(*c*) the form and manner of preparing the annual financial statement and the annual programme of work under section 22 ;

(*d*) the manner and form of maintaining accounts and the form and manner of annual report under section 24 ;

(*e*) the delegation of powers of Government under section 31 ;

(*f*) the fees which may be charged by the Board ;

(*g*) any other matter which has to be or may be prescribed by rules.

41. *Power to make regulations.*—(1) The Board, may, with the previous approval of the State Government, by notification make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for,—

(*a*) the time and place of meeting of the Board and the procedure to be followed in regard to the transaction of business at such meetings under section 8 ;

(*b*) the terms and conditions under which the Board may dispose of land ;

(*c*) any other matter which has to be, or may be, provided by regulations.

42. *Rules and regulations to be laid before State Legislature.*—Every rule and every regulation made under this Act, shall be laid as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session, or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in any such rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule or regulation.

43. *Exemption of stamp duty and fees.*—No award or agreement or contract made or executed under this Act, or under any rule or regulation made thereunder shall be chargeable with duty under the Mysore Stamp Act, 1957, or fees under the Indian Registration Act, 1908.

44. *Offences by companies.*—(1) Where an offence under this Act is committed by a company, the company, as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary

or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(*a*) "company" means a body corporate, and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm.

45. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against any officer of the State Government or of the Board for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

46. *Employees of Board to be public servants.*—All members and employees of the Board shall when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

47. *Effect of provisions inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

48. *Power to remove doubts and difficulties.*—If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of the doubt or difficulty, and every such notification shall have effect as if enacted in this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Law Secretariat.

NOTIFICATION.

No. LAW 43 LGH 63, Bangalore, dated 21st May 1966.

Ordered that the Mysore Cattle Trespass Act, 1966 which received the assent of the Governor on the Eighteenth day of May 1966, be published as Mysore Act No. 19 of 1966 in the *Mysore Gazette* for general information.

16. Delivery to owner disputing legality of seizure but making deposit.
17. Procedure when owner refuses or omits to pay the fines and charges.
18. Disposal of fines, expenses and surplus proceeds of sale.
19. Officers and pound-keepers not to purchase cattle at sales under the Act.

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MYSORE ACT No. 19 OF 1966

(First published in the Mysore Gazette *on the Twenty-sixth day of May 1966).*

THE MYSORE CATTLE TRESPASS ACT, 1966.

Act to provide for the impounding of cattle damaging land or other property and for matters connected therewith.

WHEREAS it is expedient to provide for the impounding of cattle damaging land or other property and for matters connected therewith;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Cattle Trespass Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the areas in which any of the Acts repealed by section 31 is in force; and shall come into force in such other area on such date as the State Government may, by notification, specify :

Provided that the State Government may, by notification, direct that it shall cease to be in force in any area from such date as may be specified in such notification, and thereupon section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899) shall be applicable as if this Act had been repealed in such area from the said date by a Mysore Act.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(*b*) "District Magistrate" means the Deputy Commissioner of the district exercising the powers of a District Magistrate;

(*c*) "local authority" means a Municipal Corporation, Municipal Council, Notified Area Committee, Sanitary Board, Cantonment Board or Village or Town Panchayat for the time being invested by law with the control and administration of any matters within a specified local area;

(*d*) "local fund" means any fund under the control or management of a local authority;

(*e*) "notification" means a notification published in the official Gazette;

(*f*) "officer of police" includes a police patel and a member of the village police;

(*g*) "prescribed" means prescribed by rules made under this Act.

CHAPTER II.

POUNDS AND POUND-KEEPERS.

3. Establishment of pounds.—(1) Subject to the general or special orders of the State Government, pounds shall be established at such places as the District Magistrate may, from time to time, direct.

(2) The District Magistrate shall determine, by notification, for each pound established, the village or area or villages or areas which are entitled to use such pound.

4. Control of pounds and charge for feeding and watering cattle.—The pounds established under section 3 shall be under the control of the District Magistrate who shall fix, from time to time, by notification, the rates of charge for feeding and watering the impounded cattle.

5. Appointment of pound-keepers.—(1) The District Magistrate shall appoint any police patel of a village entitled under a notification under sub-section (2) of section 3, to use the pound, as the pound-keeper for such pound:

Provided that where it is deemed necessary the District Magistrate shall appoint a person other than such police patel as the pound-keeper of such pound.

(2) The District Magistrate shall appoint such person as he deems fit as the pound-keeper for any pound established for any area or areas other than a village or villages.

(3) Every pound-keeper appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

6. Duties of pound-keepers.—(1) Every pound-keeper shall keep such registers and furnish such returns as may be prescribed.

(2) When cattle are brought to a pound, the pound-keeper shall enter in a register maintained for the purpose—

(*a*) the number and description of the animals ;

(*b*) the day and the hour at which they were brought ;

(*c*) the name and residence of the person seizing or causing the seizure of the cattle ; and

(*d*) the name and residence of the owner, if known.

(3) The pound-keeper shall give the person seizing, or causing the seizure of, the cattle or his agent a copy of the entry made under sub-section (2).

(4) The pound-keeper shall take charge of the cattle and provide them with sufficient food and water until they are disposed of in accordance with the provisions of this Act.

CHAPTER III.

IMPOUNDING CATTLE.

7. Seizure of cattle damaging land.—(1) Any person authorised by the State Government in this behalf, or any member of the watch and ward staff of a Village or Town panchayat, may seize or cause to be seized any cattle trespassing on any land in a village and doing damage to such land or to any crop or produce thereon.

(2) (i) The cultivator or occupier of any land, or

(ii) any person who has advanced money for the cultivation of the crop or produce of any land, or

(iii) the vendee or the mortgagee of the crop or produce of any land or of any part of such crop or produce,

may seize or cause to be seized any cattle trespassing on such land and doing damage thereto or to any crop or produce thereon.

(3) Cattle seized or caused to be seized under sub-section (1) or (2) shall be sent within twenty-four hours of the seizure to the pound established for the village or area in which the land is situated or such other pound as the District Magistrate may specify in this behalf.

8. Cattle damaging public roads, canals, embankments, etc.—Whenever any cattle are found straying on or doing damage to public roads, parks, pleasure grounds, orchards, plantations, canals, drainage works, embankments, or the sides or slopes of such roads, parks, grounds, orchards, plantations, canals, drainage works and embankments and the like, persons in charge of such roads, parks, grounds, orchards, plantations, canals, drainage works, embankments and the like, or any officer of police, may seize or cause to be seized such cattle and shall send them or cause them to be sent within twenty-four hours of the seizure to the nearest pound.

9. Police to aid seizures.—Whenever there is resistance or likelihood of resistance to a seizure under section 7 or 8 or the likelihood of the cattle seized being attempted to be rescued from persons making such seizure, the person seizing or causing the seizure of the cattle may require the aid of the police in preventing such resistance or rescue and any officer of police shall, when so required, render the aid necessary.

10. Fines for cattle impounded.—(1) For every cattle impounded under this Act, the pound-keeper shall levy a fine in accordance with the scale for the time being fixed by notification by the State Government in this behalf and the State Government may fix different scales for different areas of the State in which the pounds are located :

Provided that it shall be lawful for the State Government to fix progressively increasing scales in respect of cattle belonging to or kept by the same person according to the number of cattle impounded at a time and the number of times such cattle are impounded.

(2) All fines levied under sub-section (1) shall be sent by the pound keeper to the District Magistrate, in the manner prescribed.

11. List of fines and charges for feeding.—A list containing the scale of fines fixed under section 10 in respect of the area in which a pound is located and of the rates of charges for feeding and watering cattle in such pound fixed under section shall be displayed in a conspicuous place in or near such pound.

CHAPTER IV.

DELIVERY OR SALE OF CATTLE.

12. Procedure when owner claims the cattle and pays fines and charges.—(1) If the owner of the impounded cattle, or his agent, appears and claims the cattle, the pound-keeper shall deliver them to him on payment of the fines fixed and the charges payable in respect of such cattle.

(2) The owner or his agent on taking back his cattle, shall sign in the register maintained by the pound-keeper, acknowledging the receipt of the cattle.

13. Security in respect of impounded cattle.—(1) In any local area to which the State Government may, by notification in the official Gazette, apply this section, every pound-keeper shall, before releasing any impounded cattle, require the owner of the impounded cattle or his agent to make, in the form to be prescribed by the State Government, a declaration regarding the ownership of such cattle and to deposit by way of security such sum as the State Government may, by rules, prescribe. Different scales may be prescribed for different areas or different classes of cattle.

(2) If any cattle belonging to such owner are impounded within a period of six months from the date on which the security is deposited, and if the seizure is not adjudged illegal, the amount of deposit or a part thereof, as may be directed by the State Government by rules made in this behalf, shall stand forfeited to the State Government. If cattle are not impounded as aforesaid, the amount of security shall, on an application made by or on behalf of the depositor, be refunded to him on the expiry of that period.

(3) On every occasion on which the release of the cattle impounded under this Act is claimed, the owner of the cattle shall deposit a fresh security.

14. Removal of cattle to specified places.—(1) If in any local area to which the State Government may, by notification in the official Gazette, apply this section, the Tahsildar, is satisfied—

(i) that the grazing land set apart for the use of cattle of one or more villages in the taluk, under his jurisdiction is insufficient for the cattle belonging to the permanent residents of such village or villages; or

(ii) that the crops or grass standing on any agricultural land so set apart are likely to be damaged by cattle belonging to persons who are not residents of such villages and who own more than twenty heads of cattle,

he may,

(*a*) in any case referred to in clause (i) direct any such resident owner, by special or general order, to remove or cause to be removed all or any dry or useless cattle belonging to him to such place or places within the State and within such period as may be specified in the order, and

(*b*) in any case referred to in clause (ii) direct any such non-resident owner, by special or general order, to remove or cause to be removed all or any of his cattle to such place or places within the State and within such period as may be specified in the order.

(2) If the owner of the cattle fails to remove the cattle as directed under sub-section (1), the Tahsildar may direct a police officer not below the rank of a head constable to remove or cause to be removed such cattle to the place or places specified in the order.

(3) If the Tahsildar is satisfied that the order issued by him under sub-section (1) is contravened by any owner or keeper of cattle, he may impose a fine not exceeding one thousand rupees. Any fine so imposed may, on failure of such owner or keeper to pay the same within the specified time be recovered by sale of all or any of the cattle ordered to be removed under sub-section (1).

15. Procedure if cattle be not claimed within seven days.—(1) If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police station, or to such officer as the District Magistrate appoints in this behalf :

Provided that in the case of asses or sheep the claim shall be made within three days from the date of their impounding.

(2) On receipt of a report under sub-section (1), the officer concerned shall display in a conspicuous part of his office a notice stating—

(*a*) the number and description of the cattle ;

(*b*) the place where they were seized ;

(*c*) the place where they were impounded ;

and shall cause proclamation of the same to be made by beat of drum in the village or area and at the market place near the place of seizure.

(3) If the cattle be not claimed within seven days, or within three days in the case of asses or sheep, from the date of notice under sub-section (2), they shall be sold by public auction by the said officer or an officer of his establishment deputed for that purpose at such place and time and subject to such conditions as the District Magistrate by general or special order from time to time directs :

Provided that if the bid of any person for any cattle at a public auction is, in the opinion of the officer authorised to sell them, not a fair price, he may reject the bid, and may dispose of the cattle in such manner as he thinks fit.

16. Delivery to owner disputing legality of seizure but making deposit.—(1) If the owner of the impounded cattle or his agent appears before the pound-keeper and refuses to pay the fines and charges payable in respect of the cattle under sub-section (1) of section 12, on the ground that the seizure was illegal and that the owner is about to make a complaint under section 20, then, upon the deposit of the fines and charges payable in respect of the cattle, the cattle shall be delivered to him.

(2) If on any complaint referred to in sub-section (1), the seizure is declared to be lawful or if the owner or his agent fails to

make such complaint within a period of four weeks from the date of delivery of the cattle to him, the pound-keeper shall require such owner or agent to make a declaration and to deposit the amount of security as required by section 13. If the owner or his agent fails to make such declaration or to deposit such amount the cattle delivered to him under sub-section (1) shall be seized again for the purposes of section 17,

17. Procedure when owner refuses or omits to pay the fines and charges.—(1) If the owner or his agent appears before the pound-keeper and refuses or omits to pay the said fines and charges and to deposit the said amount of security under sub-section (1) of section 16 (or in the case mentioned in sub-section (2) of section 16 to deposit the said fines, expenses and amount of security or to make a declaration as required by section 13, the cattle, or as many of them as may be necessary, shall be sold by such officer, at such place and time, and subject to such conditions as are referred to in section 15.

(2) The fines leviable and the expenses of feeding and watering, together with the expenses of sale, if any, and the amount of security prescribed under section 13 shall be deducted from the proceeds of the sale..

(3) The remaining cattle and the balance of the purchase money, if any, shall be delivered to the owner or his agent together with an account showing—

(*a*) the number of cattle seized;

(*b*) the time during which they have been impounded;

(*c*) the amount of fine and charges payable;

(*d*) the number of cattle sold;

(*e*) the proceeds of sale; and

(*f*) the manner in which the said proceeds have been disposed of.

(4) The owner or his agent shall give a receipt for the cattle delivered to him and for the balance of the purchase money, if any, paid to him according to such account.

18. **Disposal of fines, expenses and surplus proceeds of sale.**—(1) The officer by whom the sale is held shall send to the District Magistrate the fines deducted under sub-section (2) of section 17.

(2) The fines levied under sub-section (1) of section 10 and the fines deducted under sub-section (2) of section 17 shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located.

(3) The charges for feeding and watering deducted under section 17 shall be paid over to the pound-keeper who shall also retain and appropriate all sums received by him on account of such charges under section 12.

(4) The amount of security required under section 13 shall be deposited with the pound-keeper.

(5) The surplus unclaimed proceeds of sale of cattle shall be sent to the District Magistrate who shall hold them in deposit for a period of six months and, if no claim thereto is preferred and established within that period such proceeds shall be credited to the local fund of the local authority within the jurisdiction of which the pound is located and no suit shall lie for the recovery of any sum so credited.

19. **Officers and pound-keepers not to purchase cattle at sales under the Act.**—(1) No officer of police, or other officer or pound-keeper appointed or authorised to perform any function under this Act shall directly or indirectly, purchase any cattle at a sale under this Act.

(2) No pound-keeper shall release or deliver any impounded cattle otherwise than in accordance with the provisions of this Chapter unless such release or delivery is ordered by a competent court of law.

CHAPTER V.

COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

20. **Power to make complaints.**—Any person whose cattle has been seized under this Act, or having been so seized have been detained in contravention of this Act, may at any time within ten days from the date of the seizure, make a complaint to any magistrate authorised to receive and try charges.

21. Procedure on complaint.—(1) The complaint shall be made either in writing or verbally by the complainant in person or by an agent personally acquainted with the circumstances:

Provided that if it is made verbally, the substance of it shall be taken down in writing by the magistrate.

(2) If the magistrate on examining the complainant or his agent has reason to believe the complaint to be well founded, he shall summon the person complained against and make an enquiry into the case.

22. Compensation for illegal seizure.—If the seizure or detention be adjudged illegal, the magistrate shall award to the complainant for the loss caused by the seizure or detention reasonable compensation not exceeding one hundred rupees to be paid by the person who made the seizure or detained the cattle together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle:

Provided that if the cattle have not been released, the magistrate shall, besides ordering such compensation, order their release and direct that the fines and charges leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. Recovery of compensation.—The compensation, fines and charges mentioned in section 22 may be recovered as if they were fines imposed by the magistrate.

CHAPTER VI.

PENALTIES.

24. Penalty for forcibly opposing the seizure of cattle or rescuing the same.— Whoever forcibly opposes the seizure of cattle liable to be seized under this Act, and whoever rescues the same after seizure, either from a pound or from any person taking or about to take them to a pound, such person being near at hand and acting under the powers conferred under this Act, shall, on conviction, be punished with imprisonment for a period which may extend to six months or with fine which may extend to five hundred rupees or with both.

25. Penalty for damage caused to land or crops or public roads by cattle.—(1) Any owner or keeper of cattle, who through neglect or otherwise damages or causes or permits to be damaged any land or any crop or produce of land, or any public road, and other properties mentiond in section 8 by allowing such cattle to trespass thereon, shall, on conviction, be punished with fine which may extend to fifty rupees.

(2) The magistrate trying an offence under sub-section (1) may order—

(*a*) that the accused shall pay such compensation not exceeding two hundred and fifty rupees as the magistrate considers reasonable to any person for any damage proved to have been caused to his crop or other produce on land by the accused committing the offence; and

(*b*) that the cattle in respect of which the offence has been committed shall be forfeited to the State Government.

(3) Any compensation awarded under sub-section (2) may be recovered as if it were a fine imposed under this section.

(4) The State Government, may, by notification, with respect to any local area specified in such notification, direct that this section shall be read as if the words "imprisonment for a period which may extend to three months or with fine which may extend to five hundred rupees or with both" were substituted for the words "fine which may extend to fifty rupees".

(5) The offences under section 24 and section 25 shall be cognizable.

26. Recovery of penalty for mischief committed by causing cattle to trespass.—Notwithstanding anything contained in any law, any e imposed under section 25 or for the offence of mischief by causing cattle to trespass on any land under section 426 of the Indian Penal Code may be recovered by sale of all or any of the cattle by which the trespass was committed whether they were seized in the act of trespassing or not and whether they are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

27. Penalty on pound-keeper failing to perform duties. Any pound-keeper releasing or purchasing or delivering cattle contrary to

the provisions of section 19, or failing to perform any of the other duties imposed upon him by this Act, shall, in addition to any other penalty to which he may be liable, be punished, on conviction with fine which may extend to fifty rupees.

28. Application of fines recovered under section 25, 26 or 27.—All fines recovered under section 25, section 26 or section 27, may be appropriated in whole or in part as compensation for loss or damage caused to the crops or other produce or the land of any person or any person and proved to the satisfaction of the convicting magistrate.

CHAPTER VII.

MISCELLANEOUS.

29. Saving of right to sue for compensation.—(1) Nothing contained in this Act shall be deemed to preclude any person whose crops or other produce or land have been damaged by trespass of cattle from suing for compensation in any competent court.

(2) Any compensation paid to such person under this Act by order of the convicting magistrate shall be set off and deducted from any sum claimed by or awarded to him as compensation in such suit.

30. Power of State Government to authorise local authorities to exercise powers under the Act.—The State Government may, by notification, authorise any local authority within the area subject to the jurisdiction of such local authority, to exercise all or any of the powers of the State Government or the District Magistrate under this Act, subject to such restrictions and conditions as may be specified in such notification.

31. Power to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules, to carry out all or any of the purposes of this Act.

(2) In particular but without prejudice to the generality of the foregoing provision, such rules may provide for the following, namely:

(i) the form of, and the procedure relating to the declaration, and the scales of deposit to be made under section 13;

(ii) the procedure regulating the making of security deposit, custody and refund thereof;

(iii) the manner in which any cattle is to be disposed of ;

(iv) any other matter which is to be or may be prescribed.

32. Notifications and rules to be laid before State Legislature.— Every notification issued under sub-section (1) of section 10, sub-section (4) of section 25 and section 30, and every rule made under section 31 shall be laid, as soon as may be, after it is issued or made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any modification in the notification or the rule, or both Houses agree that the notification or the rule should not be issued or made, the notification or the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything done under that notification or rule.

33. Repeal and savings.—The Mysore Cattle Trespass Act, 1871 (Mysore Act I of 1871), as in force in the Mysore Area, the Hyderabad Cattle Trespass Act, 1337F (Hyderabad Act V of 1337Fasli) as in force in the Hyderabad Area, the Cattle Trespass Act, 1871 (Central Act I of 1871) as in force in the Madras Area, Bombay Area, and the Coorg District, are hereby repealed :

Provided that the provisions of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), shall be applicable in respect of the repeal of the said enactments and sections 8 and 26 of the said Act shall be applicable as if the said enactments had been repealed and re-enacted by this Act.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

CORRIGENDA

LAW 43 LGN 66, Bangalore, dated the 28th May 1966.

Sub : **The Mysore Cattle Trespass Act, 1966.**

In the *Mysore Gazette*, Part IV, Section 2-B, published on Thursday the 26th May, 1966,—

(1) in page 102,—

(*a*) in line 1, *for* "Bill, 1965" *read* "Act, 1966",

(*b*) in line 2, *for* "Clauses" *read* "Sections",

(*c*) in line 6, *for* "Clauses" *read* "Sections"; and

(2) in page 104, between lines 4 and 5, read "(Received the assent of the Governor on the Eighteenth day of May 1966)."

By Order and in the name of the Governor of Mysore,

M. L. RAMASWAMI,
Deputy Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 31 LGN 66, Bangalore, dated 8th August 1966.

Ordered that the **Mysore Appropriation (No. 5) Act, 1966,** which received the assent of the Governor on the ninth day of August 1966, be published as Mysore Act No. 20 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 20 OF 1966

(First published in the Mysore Gazette *on the Eleventh day of August 1966).*

THE MYSORE APPROPRIATION (No. 5) ACT, 1966

(Received the assent of the Governor on the ninth day of August, 1966)

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1966–67.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1966–67;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation (No. 5) Act, 1966.

2. Issue of rupees 3,20,62,006 out of the Consolidated Fund of the State for the financial year 1966–67.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores, twenty lakhs, sixty two thousand-and six rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

1	2		3		4
No. of Demand		Services and Purposes	Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		A. EXPENDITURE MET FROM REVENUE.	Rs.	Rs.	Rs.
2	9	Land Revenue ...	...	2,30,000	2,30,000
10	19	General Administration ...	3,20,100	10,000	3,30,100
18	23	Police ...	100	...	100
18	25	Medical and 30 Public Health	800		800
20	31	Agriculture ...	11,71,800		11,71,800
23	34	Co-operation ...	200		200
24	35	Industries ...	100		100
25	37	C. D. P., N.E.S. and L. D. works ...	10,00,000		
30	44	I.N.E. & D. Works (Non-Commercial) ...	75,000		75,000
33	64	Famine Relief ...	1,14,00,000	...	1,14,00,000
		Total 'A' ...	1,39,67,600	2,40,000	1,42,07,600
		C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96	Capital Outlay on Industrial and Economic Development ...	55,78,500		
47	101	Capital Outlay on Electricity Schemes ...	15,00,000		
48	103	Capital Outlay on Public Works ...	40,000	...	40,000
		Total 'B' ...	71,18,500	...	71,18,500
		E. DISBURSEMENT OF ADVANCES AND LOANS.			
54		Q. Loans and Advances by State/Union Territory Governments ...	1,07,35,906	...	1,07,35,906
		Grand Total ...	3,18,22,006	2,40,000	3,20,62,006

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,

Law Department.

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 84 LOA 66, Bangalore dated 4th August 1966.

Ordered that the Essential Commodities (Amendment) Ordinance, 1966 (Central Ordinance 9 of 1966), which has been published in the *Gazette of India*, Extraordinary Part II, Section 2, dated the 12th July 1966, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K. ANANTHASUBBA RAO,

15 *Under Secretary to Government, L. D.*

GOVERNMENT OF INDIA

MINISTRY OF LAW

(Law Department)

New Delhi, 12th July 1966.

THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1966

No. 9 OF 1966

Promulgated by the President in the Seventeenth Year of the Republic of India.

An Ordinance further to amend the Essential Commodities Act, 1955.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. **Short title and commencement**.—(1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1966.

(2) It shall come into force at once.

2. Act 10 of 1955 to be temporarily amended.—During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), shall have effect as if it had been amended as specified in sections 3 to 5.

3. Amendment of section 3.—In section 3 of the principal Act, after sub-section (3A), the following sub-section shall be inserted, namely:—

'(3B) Where any person is required by an order made with reference to clause (f) of sub-section (2) to sell any grade or variety of foodgrains, edible oilseeds or edible oils to the Central Government or a State Government or to an officer or agent of such Government and either no notification in respect of such foodgrains, edible oilseeds or edible oils has been issued under sub-section (3A) or any such notification having been issued has ceased to remain in force by efflux of time, then, notwithstanding anything contained in sub-section (3), there shall be paid to that person such price for the foodgrains, edible oilseeds or edible oils as may be specified in that order having regard to—

(*i*) the controlled price, if any, fixed under this section or by or under any other law for the time being in force for such grade or variety of foodgrains, edible oilseeds or edible oils; and

(*ii*) the price for such grade or variety of foodgrains, edible oilseeds or edible oils prevailing or likely to prevail during the post-harvest period in the area to which that order applies.

Explanation.—For the purposes of this sub-section, "post-harvest period" in relation to any area means a period of three months beginning from the last day of the fortnight during which harvesting operations normally commence".

4. Insertion of new sections 6A to 6D.—After section 6 of the principal Act, the following sections shall be inserted, namely :—

Confiscation of foodgrains, edible oilseeds and edible oils.—"6A. Where any foodgrains, edible oilseeds or edible oils are seized in pursuance of an order made under section 3 in relation thereto, they may be produced, without any unreasonable delay, before the Collector of the district or the Presidency-town in which such foodgrains, edible oilseeds or edible oils are seized and whether or not a prosecution is instituted for the contravention of such order, the Collector, if satisfied that there has been a contravention of the order, may order confiscation of the foodgrains, edible oilseeds or edible oils.

Issue of show cause notice before confiscation of foodgrains, etc.—6B. No order confiscating any foodgrains, edible oilseeds or edible oils shall be made under section 6A unless the owner of such articles or the person from whom they are seized—

(*a*) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the articles;

(*b*) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(*c*) is given a reasonable opportunity of being heard in the matter :

Provided that the notice referred to in clause (*a*) or the representation referred to in clause (*b*) may, at the request of the person concerned, be oral.

6 C. Appeal.—(1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to the State Government concerned and the State Government may, after giving an opportunity to the appellant to

be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order under section 6A is modified or annulled by the State Government, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to return the foodgrains or edible oilseeds or edible oils seized, such person shall be paid the price therefor as if the foodgrains, edible oilseeds or edible oils, as the case may be, had been sold to the Government; and such price shall be determined in accordance with the provisions of sub-section (3B) of section 3.

6D. Award of confiscation not to interfere with other punishments.—The award of any confiscation under this Act by the Collector shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.".

5. Amendment of section 7.—In section 7 of the principal Act, in clause (*b*) of sub-section (1),—

(*a*) in the opening paragraph, after the words "seem fit", the words "including, in the case of an order relating to foodgrians, any packages, coverings or receptacles in which they are found and any animal, vehicle, vessel or other conveyance used in carrying foodgrains" shall be inserted;

(*b*) in the proviso, after the words "any part of the property", the words "or any packages, coverings or receptacles or any animal, vehicle, vessel or other conveyance" shall be inserted.

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 44 LGN 62, Bangalore, dated 12th August 1966.

Ordered that the **Mysore Excise Act, 1965**, which received the assent of the President on the third day of August 1966, be published as Mysore Act No. 21 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 21 OF 1966.

(*First published in the* Mysore Gazette *on the Eighteenth day of August 1966.*)

THE MYSORE EXCISE ACT, 1965.

(*Received the assent of the President on the Third day of August 1966*).

An Act to provide for a uniform excise law in the State of Mysore.

WHEREAS it is expedient to provide for a uniform law relating to the production, manufacture, possession, import, export transport, purchase and sale of liquor and intoxicating drugs and the levy of duties of excise thereon, in the State of Mysore, and for certain other matters hereinafter appearing;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY.

1. Short title, extent, commencement and application.—(1) This Act may be called the Mysore Excise Act, 1965.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may by notification, appoint.

(4) All the provisions of this Act shall be applicable to the areas of the State in which the Mysore Prohibition Act, 1961 Mysore Act 17 of 1962) is not in operation and shall apply to such extent as is specified in the said Act in the areas in which the said Act, is in operation.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) "beer" includes ale, stout and porter;

(2) " to bottle " means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of sale, whether any process of manufacture be employed or not, and includes re-bottling;

(3) " cultivation " includes the tending or protection of a plant during growth and does not necessarily imply raising it from seed;

(4) " denatured " means subjected to a process prescribed for the purpose of rendering unfit for human consumption;

(5) " Deputy Commissioner " means any person appointed under section 4 to exercise the powers and to perform the duties of a Deputy Commissioner under this Act and where no such person is appointed, the Deputy Commissioner of the revenue district;

(6) " excisable article " means,—

(*a*) any liquor;
(*b*) any intoxicating drug;
(*c*) opium; or
(*d*) other narcotic drugs, narcotics and non-narcotic drugs which the State Government may by notification declare to be an excisable article;

(7) " Excise Commissioner " means the officer appointed as Excise Commissioner under section 3;

(8) " excise duty " and " countervailing duty " means any such excise duty or countervailing duty, as the case may be, as is mentioned in Entry 51 of List II of the Seventh Schedule to the Constitution;

(9) " Excise Inspector " means an officer appointed under section 6;

(10) " Excise Officer " means the Excise Commissioner, a Deputy Commissioner, or any officer or other person lawfully appointed or invested with powers under section 5 or 6;

(11) " excise revenue " means revenue derived or derivable from any duty, fee, tax, rent, fine or confiscation imposed or ordered under the provisions of this Act or any other law for the time being in force relating to liquor or intoxicating drugs ;

(12) " export " means to take out of the State otherwise than from a Customs station as defined under section 2 of the Customs Act, 1962 (Central Act 52 of 1962) ;

(13) " foreign liquor " includes all liquors other than Indian liquor ;

(14) " import " except in the phrase " import into India ", means to bring into the State otherwise than from a Customs station as defined under section 2 of the Customs Act, 1962 Central Act 52 of 1962) ;

(15) " Indian liquor " includes all liquor produced or manufactured in India ;

(16) " intoxicant " means any liquor as defined in clause (18) or any intoxicating drug as defined in clause (17) ;

(17) " intoxicating drug " means,—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant including all forms known as 'bhang, siddi, or ganja ;

(ii) charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport ;

(iii) any mixture with or without neutral materials of any of the above forms of intoxicating drug or any drink prepared therefrom ; and

(iv) any other intoxicating or narcotic substance which the State Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf or manufactured drug as defined under section 2 of the Dangerous Drugs Act, 1930 (Central Act 2 of 1930) ;

(18) " liquor " includes—

(*a*) spirits of wine, denatured spirits, wine, beer, toddy and all liquids consisting of or containing alcohol ; and

(*b*) any other intoxicating substance, which the State Government may by notification, declare to be liquor for the purposes of this Act ;

(19) " manufacture " includes every process whether natural or artificial, by which any fermented, spirituous or intoxicating liquor or intoxicating drug is produced or prepared and also re-distillation and every process for the rectification of liquor ;

(20) " notification " means a notification published in the official Gazette ;

(21) " place " includes a house, building, shop, booth, tent, vessel, raft and vehicle ;

(22) "police station " includes any place which the State Government may, by notification, declare to be a police station for the purpose of this Act ;

(23) "prescribed" means prescribed by rules made under this Act ;

(24) " rectification " includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith ;

(25) "sale" or "selling" includes any transfer otherwise than by way of gift ;

(26) "spirit " means any liquor containing alcohol and obtained by distillation, whether it is denatured or not ;

(27) "toddy" means fermented or unfermented juice drawn from a toddy tree ;

(28) "toddy tree" includes the tree Gulmohwa, coconut, palm, lpalmyra, date, bagani or any tree of the species of palm or aalmyra, the fermented or unfermented juice of which contains pcohol and frcm which toddy or liquor can be prepared ;

(29) "transport" means to move from one place to another within the State, whether the intervening area lies wholly within the State or not.

CHAPTER II.

ESTABLISHMENT AND CONTROL

3. Appointment of Excise Commissioner.—(1) The State Government may appoint, by notification, an officer not below the rank of a Deputy Commissioner, as Excise Commissioner for he State of Mysore, who, subject to the general or special orders of the State Government in this behalf, shall be the chief controlling authority in all matters connected with the administration of this Act.

(2) The Excise Commissioner shall exercise all the powers of the Deputy Commissioner in respect of the administration of this Act and shall have the control of the administration of the Excise Department.

4. Deputy Commissioner.—(1) The Deputy Commissioner shall within the limits of his jurisdiction exercise such powers and perform such duties and functions as are assigned by or under the provisions of this Act to a Deputy Commissioner subject to such control as the State Government may from time to time direct.

(2) For the purposes of this Act, all Deputy Commissioners shall be subordinate to the Excise Commissioner.

5. Appointment of District Excise Officers and Assistant District Excise Officers.—(1) The State Government may appoint an officer as District Excise Officer for a district or part of a district to exercise all or any of the powers and to perform all or any of the duties of a Deputy Commissioner in respect of the administration of this Act, either concurrently with or in subordination to the Deputy Commissioner subject to such control as the State Government may direct.

(2) The State Government may appoint such number of Assistant District Excise Officers for a district or part of a district

as it thinks fit to exercise such powers and perform such duties as the State Government may direct.

6. Appointment of Excise Inspectors and other subordinate officers.—(1) The State Government may appoint Excise Inspectors to exercise the powers and to perform the duties in connection with detection, investigation and trial of offences under this Act.

(2) The State Government may appoint subordinate officers of such classes and with such designations, powers and duties under this Act as it may think fit.

(3) The State Government may, by notification direct that all or any of the powers and duties assigned to an Excise Inspector or subordinate officer under sub-sections (1) and (2), shall be exercised and performed by any officer of the State Government.

(4) The State Government may, by notification, delegate its powers under sub-sections (1), (2) and (3) to the Excise Commissioner, the Deputy Commissioner, the District Excise Officer, or the Assistant District Excise Officer, as the case may be.

7. Delegation.—The State Government may authorise the delegation by the Excise Commissioner or Deputy Commissioner to any person or class of persons specified in such notification, of any powers conferred or duties imposed upon him by or under this Act.

CHAPTER III.

IMPORT, EXPORT AND TRANSPORT.

8. Import of intoxicant.—(1) No intoxicant shall be imported except under a permit granted by the Deputy Commissioner on payment of such countervailing duty and fees, as may be levied under this Act and on such other terms as may be prescribed:

Provided that the Deputy Commissioner may subject to such restrictions and conditions as may be prescribed to ensure the collection of the countervailing duty, permit the import of any intoxicant without the payment of the countervailing duty:

Provided further that no countervailing duty shall be payable on any intoxicant which being liable to the payment of duty under the Indian Tariff Act, 1934, or any other law, for the time being in force, relating to the duties of customs on goods imported into India, it has been dealt with according to such law.

(2) A permit granted under sub-section (1), may be cancelled by the Deputy Commissioner for breach of any of the terms subject to which it was granted or for any other reason to be recorded in writing.

9. Export of intoxicant.—(1) No intoxicant shall be exported except under a permit granted by the Deputy Commissioner on payment of such fee as may be levied under this Act and on such terms as may be prescribed:

Provided that no intoxicant produced or manufactured in India shall, save as provided in section 66, be permitted to be exported unless the excise duty or countervailing duty to which such intoxicant is liable, has been paid.

(2) A permit granted under sub-section (1) may be cancelled by the Deputy Commissioner for breach of any terms subject to which it was granted or for any other reason to be recorded in writing.

10. Prohibiting of transport of intoxicant.—The State Government may, by notification, prohibit the transport of intoxicants or any kind of intoxicants from any local area into any other local area.

11. Transport of intoxicant.—No intoxicant exceeding such quantity as may be prescribed either generally or for any local area, shall be transported, except under a permit issued under section 12.

12. Permits for transport.—(1) The Deputy Commissioner or any other person duly empowered by the State Government in that behalf may issue a permit for the transport of intoxicants.

(2) A permit under sub-section (1) may be either a general permit for definite periods and kinds of particular intoxicants or a special permit for specified occasions and particular consignments only:

Provided that a general permit shall be granted only to persons licensed under this Act and may cover any quantity of liquor transported at any one time not exceeding the quantity specified in the permit.

(3) Every permit under this section shall specify—

(*a*) the name of the person authorised to transport intoxicants ;

(*b*) the period for which the permit is to be in force ;

(*c*) the quantity and description of intoxicants for which it is granted ; and

(*d*) any other particulars which may be prescribed.

(4) A permit granted under this section shall extend to and include servants and other persons employed by the grantee and acting on his behalf.

CHAPTER IV.

MANUFACTURE, POSSESSION AND SALE.

13. Manufacture, etc., of excisable article prohibited except under a licence.—(1) No person shall,—

(*a*) manufacture or collect an intoxicant ; or

(*b*) cultivate hemp plant ; or

(c) tap a toddy producing tree or draw toddy from any tree ; or

(*d*) construct or work a distillery or brewery ; or

(*e*) bottle liquor for sale ; or

(*f*) use, keep, or have in his possession, any materials, still, utensil, implement or apparatus, whatsoever for the purpose of manufacturing any intoxicant other than ddy,

except under the authority and subject to the terms and conditions of a licence granted by the Deputy Commissioner in that behalf or under the provisions of section 18.

(2) A licence granted under this section shall extend to and include servants and other persons employed by the licensee and acting on his behalf.

14. Possession of excisable articles in excess of the quantity prescribed.—(1) The State Government may, by notification, prescribe a limit of quantity for the possession of any intoxicant :

Provided that different limits may be prescribed for different qualities of the same article.

(2) No person shall have in his possession any quantity of any intoxicant in excess of the limit prescribed under sub-section (1), except under the authority and in accordance with the terms and conditions of—

(*a*) a licence for the manufacture, cultivation, collection, sale or supply of such article, or

(*b*) a permit granted by the Deputy Commissioner in that behalf.

15. Sale of excisable articles without licence prohibited.—(1) No intoxicant shall be sold except under the authority and subject to the terms and conditions of a licence granted in that behalf :

Provided that, subject to such restrictions and conditions as the Excise Commissioner may by general or special order specify,—

(*a*) a person having the right to the toddy drawn from any tree may sell such toddy without a licence to a person licensed to manufacture or sell toddy under this Act ;

(*b*) a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a licence those portions of the plant from which the intoxicating drug is manufactured or produced, to any person licensed under this Act to sell, manufacture or export the intoxicating drugs or to any officer, whom the Excise Commissioner may generally or specially authorise.

(2) A licence for sale under sub-section (1), shall be granted—

(*a*) by the Deputy Commissioner, if the sale is within a district, or

(*b*) by the Excise Commissioner, if the sale is in more than one district :

Provided that subject to such conditions as may be determined by the Excise Commissioner, a licence for sale granted under the Excise law in force in any other State may be deemed to be a licence granted under this Act.

(3) Nothing in this section shall apply to the sale of any liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease.

(4) Notwithstanding anything contained in sub-sections (1) and (2), no club shall supply liquor to its members on payment of a price or of any fee or subscription except under the authority of and subject to the terms and conditions of a licence granted in that behalf by the Excise Commissioner and on payment of such fees according to a scale of fees to be fixed by the State Government in this behalf.

16. Establishment of distilleries and warehouses.—(1) The Excise Commissioner may, with the previous sanction of the State Government,—

(*a*) establish a distillery, in which spirit may be manufactured under licence granted under section 13 on such conditions as the State Government may impose ;

(*b*) discontinue any distillery so established ;

(*c*) licence, on such conditions as the State Government deems fit to impose, the construction and working of a distillery or brewery;

(*d*) licence a private bonded warehouse ;

(*e*) establish or licence a warehouse wherein intoxicants may be deposited and kept without payment of duty ; and

(*f*) discontinue any warehouse so established.

(2) A warehouse established under sub-section (1), shall be for general accommodation to warehouse intoxicants subject to duty pending removal for local consumption or for export

(3) Without the sanction of the State Government no intoxicant shall be removed from any distillery, brewery, warehouse or other place of storage established or licensed under this Act, unless the duty, if any, imposed under this Act has been paid or a bond has been executed for the payment thereof.

17. Power to grant lease of right to manufacture, etc.—(1) The State Government may lease to any person, on such conditions and for such period as it may think fit, the exclusive or other right—

(*a*) of manufacturing or supplying by wholesale or of both, or
(*b*) of selling by wholesale or by retail, or
(*c*) of manufacturing or supplying by wholesale, or of both, and of selling by retail any Indian liquor or intoxicating drug within any specified area.

(2) The licensing authority may grant to a lessee under sub-section (1), a licence in the terms of his lease; and when there is no condition in the lease, which prohibits sub-letting may, on the application of the lessee, grant licences to any sub-lessee approved by such authority.

18. Lessee's permission to draw toddy.—Where a right to manufacture toddy has been leased under section 17, the State Government may declare that the written permission of the lessee to draw toddy shall have the same force and effect as a licence under section 13 from the Deputy Commissioner for that purpose.

19. Duties of licensees with regard to measurement and testing.—Every person, who manufactures or sells any intoxicant under a licence granted under this Act shall be bound—

(*a*) to provide himself with such measures, weights and instruments as the Excise Commissioner may prescribe and to keep the same in good condition and on the licensed premises, and

(*b*) on the requisition of the Excise Officer duly empowered in that behalf, at any time to measure, weigh or test any intoxicant in his possession in such manner as the said Excise Officer may require.

20. Prohibition of employment of children and of women.—(1) No person, who is licensed to sell any intoxicant for consumption on his

premises shall, during the hours in which such premises are kept open for persons, employ or permit to be employed, either with or without remuneration, any children under such age as the State Government may, by rule, prescribe in this behalf, in any part of such premises in which such excisable article is consumed by the public.

(2) No person who is licensed to sell any intoxicant for consumption at his premises shall, without the previous permission in writing of the Deputy Commissioner, during the hours in which such premises are kept open for persons, employ or permit to be employed, either with or without remuneration, any women in any part of such premises in which such excisable article is consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the licence and may be modified and withdrawn.

21. Closing of shops for the preservation of public peace.—(1) The District Magistrate may, by notice in writing to the licensee require that any shops in which any intoxicant is sold shall be closed at such times and for such period as he may think necessary for the preservation of the public peace.

(2) If any riot or any unlawful assembly is apprehended or occurs in the vicinity of any such shop, any Magistrate or any Police Officer not below the rank of a Sub-Inspector, who is present, may require such shop to be kept closed for such period as he may think necessary :

Provided that where a riot or unlawful assembly so occurs, the licensee shall in the absence of such Magistrate or Officer, close the shop without any order and keep it closed during the continuance of such riot or unlawful assembly.

CHAPTER V.

Excise Duty and Countervailing Duty.

22. Excise duty or countervailing duty on excisable articles.—(1) An excise duty at such rate or rates as the State Government may prescribe, shall be levied on any excisable article manufactured

or produced in the State under any licence or permit granted under this Act.

(2) A countervailing duty at such rate or rates as the State Government, may prescribe shall be levied on any excisable article manufactured or produced in India outside the State and imported into the State under a licence or permit granted under this Act.

(3) The rates prescribed under sub-sections (1) and (2) may be different for different kinds of excisable articles and may also be different when levied in the different ways specified in section 23.

23. Ways of levying such duties.—Subject to such rules regulating the time, place and manner, as may be prescribed, excise duty and countervailing duty under section 22 shall be levied in one or more of the following ways as may be prescribed, namely :—

(*a*) rateably on the quantity of any excisable article produced or manufactured in or issued from a distillery, brewery, manufactory or warehouse, or imported into the State :

(*b*) in the case of spirit or other liquor produced in any distillery established or any distillery, brewery or manufactory licensed under this Act, in accordance with its quality or strength, or in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or wort, as the case may be, as may be prescribed ;

(*c*) in the case of toddy, by tax on each tree from which toddy is drawn ;

(*d*) by fees on licences in respect of the manufacture or sale of any excisable article.

24. Excise duty in respect of grant of leases.—Notwithstanding anything contained in sections 22 and 23, the sum accepted in consideration of the grant of any lease relating to any excisable article under section 17, shall be the excise duty or countervailing duty payable in respect of such excisable article in addition to any duty payable under sections 22 and 23.

25. Tax for tapping trees from whom leviable.—When duty is levied by way of tax on toddy trees under section 23, and toddy trees are tapped without licence, the tax due shall be recoverable primarily from the tapper or in default by him, from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

CHAPTER VI.

LICENCES AND PERMITS.

26. Form and conditions of licence, etc.—(1) Every licence or permit granted under this Act shall be granted on payment of such fees, for such period, and subject to such restrictions and on such conditions, and shall be in such form and shall contain such particulars, as may be prescribed.

(2) The conditions prescribed under sub-section (1) may include provision of accommodation by the licensee to Excise Officers at the licenced premises or the payment of rent or other charges for such accommodation at or near the licensed premises, and the payment of the costs, charges and expenses (including the salaries and allowances of the Excise Officers) which the State Government may incur in connection with supervision to ensure compliance with the provisions of this Act, the rules made thereunder and the licence.

27. Power to take security and counterpart agreement.—Subject to such rules as may be prescribed, any authority granting a licence under this Act may require the licensee—

(*a*) to give security for the observance of the terms of his licence, and

(*b*) to execute a counterpart agreement in conformity with the tenor of his licence.

28. Technical defects, irregularities and omissions.—(1) No licence granted under this Act shall be deemed to be invalid by reason merely

of any technical defect, irregularity or omission in the licence or in any proceedings taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission, shall be final.

29. Power to cancel or suspend licence, etc.—(1) Subject to such restrictions as the State Government may prescribe, the authority granting any licence or permit under this Act may cancel or suspend it,—

(*a*) if any duty or fee payable by the holder thereof is not duly paid ; or

(*b*) in the event of any breach by the holder thereof, or by any of his servants or by any one acting on his behalf with his express or implied permission, of any of the terms and conditions thereof ; or

(*c*) if the holder thereof or any of his servants or any one acting on his behalf with his express or implied permission, is convicted of any offence under this Act; or

(*d*) if the holder thereof is convicted of any cognizable and non-bailable offence or of any offence under the Dangerous Drugs Act, 1930, or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955, or under the Trade and Merchandise Marks Act, 1958, or under section 481, 482, 483, 484, 485, 486, 487, 488 or 489 of the Indian Penal Code or of any offence punishable under section 112 or 114 of the Customs Act, 1962; or

(*e*) if the conditions of the licence or permit provide for such cancellation or suspension at will.

(2) Where a licence or permit held by any person is cancelled under clause (*a*), clause (*b*), clause (*c*) or clause (*d*) of sub-section (1), the authority aforesaid may cancel any other licence or permit granted to such person under this Act or under the Opium Act, 1878.

(3) The holder shall not be entitled to any compensation for its cancellation or suspension nor to the refund of any fee paid or deposit made in respect thereof.

30. Power to withdraw licence.—(1) Whenever the authority which granted any licence under this Act considers that such licence should be withdrawn for any cause other than those specified in section 29, it may withdraw the licence on the expiration of not less than thirty days' notice in writing of its intention to do so.

(2) When a licence is withdrawn under sub-section (1), a part of the licence fee proportionate to the unexpired portion of the term of the licence and the deposit made by the licensee in respect thereof shall be refunded to him after deducting the amount due from him to the State Government.

31. Surrender of licence.—(1) Any holder of a licence granted under this Act to sell an excisable article may surrender his licence on the expiration of one month's notice in writing given by him to the Deputy Commissioner of his intention to surrender the same and on payment of the fee payable for the licence for the remainder of the period for which it would have been current but for such surrender:

Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a licence, he may remit the sum so payable on surrender or any portion thereof.

(2) Sub-section (1) shall not apply in the case of any licence granted under section 17.

CHAPTER VII.

Offences and Penalties.

32. Penalty for illegal import, etc.—Whoever, in contravention of this Act, or any rule, notification or order, made, issued or given thereunder, or of any licence or permit granted under this Act, imports, exports, transports, manufactures, collects or possesses any intoxicant, shall, on conviction, be punished with imprisonment for a term which may extend to six months and with fine:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, a fine of not less than one hundred rupees shall be imposed:

Provided further that where the offence relates to the import or manufacture of any intoxicant, the fine imposed shall not be less than four times the amount of duty leviable on such intoxicant or one hundred rupees whichever is more.

(2) Whoever in contravention of this Act, or of any rule, notification or order made, issued or given thereunder, or of any licence or permit granted under this Act,

(*a*) save in the cases provided for in section 37, sells any intoxicant ; or

(*b*) cultivates or fails to take the measures prescribed for checking the spontaneous growth or for the extirpation of the hemp plant ; or

(*c*) taps or draws toddy from any toddy-producing tree ; or

(*d*) constructs or works any distillery or brewery ; or

(*e*) uses, keeps or has in his possession any materials, still, utensil, apparatus or implement whatsoever for the purpose of manufacturing any intoxicant other than toddy ; or

(*f*) removes any intoxicant from any distillery, brewery or warehouse licensed, established or continued under this Act ; or

(*g*) bottles any liquor ;

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both :

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, a fine of not less than one hundred rupees shall be imposed.

33. Penalty for rendering denatured spirit fit for human consumption.—Whoever,—

(*a*) renders fit for human consumption any spirit, which has been denatured ; or

(*b*) has in his possession any spirit in respect of which he knows, or has reason to believe that any such offence has been committed or that an attempt to commit such an offence has been made ;

shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Explanation.—For the purpose of this section, it shall be presumed, unless the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants, is, or contains, or has been derived from denatured spirit.

34. Penalty for illegal possession.—Whoever, without lawful authority has in his possession any quantity of any intoxicant knowing the same to have been unlawfully imported, transported, manufactured, cultivated or collected, or knowing the prescribed duty not to have been paid thereon, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both :

Provided that the fine, if any, inflicted, shall not be less than four times the amount of duty leviable on such intoxicant.

35. Penalty for offence not otherwise provided for.—Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or given thereunder, and not otherwise provided for in this Act, shall, on conviction, be punished with fine which may extend to two hundred rupees.

36. Penalty for misconduct of licensee, etc.—(1) Whoever, being the holder of a licence or permit granted under this Act, or being in the employ of such holder and acting on his behalf,—

(*a*) fails to produce such licence or permit on the demand of any Excise Officer or of any other person duly empowere to make such demand ; or

(*b*) wilfully does or omits to do, anything in breach of any of the conditions of his licence, or permit, not otherwise provided for in this Act ; or

(*c*) save in a case provided for by section 32 wilfully contravenes any rule made under section 71 ; or

(*d*) permits drunkenness, disorderly conduct or gaming in any place wherein any intoxicant is sold or manufactured ; or

(*e*) permits or suffers persons whom he knows or has reason to believe to have been convicted of any non-bailable offence, or who are reputed prostitutes or habitual offenders, to resort to, or assemble or remain in or on the premises where any excisable article is sold or manufactured ; or

(*f*) sells any intoxicant to a person who is drunk ; or

(*g*) sells or gives any intoxicant to any child apparently under eighteen years of age or permits or suffers such child to remain in or on the premises where any excisable article is sold, or manufactured ; or

(*h*) in contravention of section 20 employs or permits to be employed on any part of his licenced premises referred to in that section any child or woman ;

shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both.

(2) Where any holder of a licence or permit under this Act or any person in his employ or acting on his behalf is charged with permitting drunkenness on the premises of such holder, and it is proved that any person was drunk on such premises, it shall lie on the person charged to prove that the holder of the licence and the persons employed by him took all reasonable steps for preventing drunkenness on such premises.

37. Penalty for adulteration, etc., by licensed vendor or manufacturer.—(1) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder mixes or permits to be mixed with the intoxicant sold or manufactured by him, any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under this Act, when such admixture does not amount to an offence of adulteration under section 272 of the Indian Penal Code, shall, on conviction be punished with imprisonment for a term which may extend to three months and with fine which may extend to five hundred rupes.

(2) Whoever, being the holder of a licence for the sale or manufacture of any intoxicant under this Act, or a person in the employ of such holder,—

(*a*) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be Indian liquor; or

(*b*) marks any bottle or the cork of any bottle, case, package, or other receptacle containing Indian liquor or uses any bottle, case, package or other receptacle containing Indian liquor, with any mark thereon or on the cork thereof, with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trade mark with intention to deceive or injure any person under section 482 of the Indian Penal Code; or

(*d*) sells or keeps or exposes for sale any Indian liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with counterfeit trade mark under section 486 of the Indian Penal Code;

shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.

38. Penalty for consumption in Chemist's shop, etc.—(1) A chemist druggist, apothecary or keeper of a dispensary, who allows any intoxicant which has not been *bona fide* medicated for medicinal purposes to be consumed on his business premises by any person shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

(2) Any person not employed as aforesaid, who consumes any such intoxicant on such premises shall, on conviction, be punished with fine which may extend to two hundred rupees.

39. **Manufacture, sale or possession by one person on account of another.**—(1) Where any intoxicant has been manufactured or sold or is possessed by any person on account of any other person and such other person knows or has reason to believe that such manufacture or sale was or that such possession is, on his account, the article

shall, for the purposes of this Act, be deemed to have been manufactured or sold by or to be in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person, who manufactures, sells or has possession of any intoxicant on account of another person from liability to any punishment under this Act for unlawful manufacture, sale or possession of such article.

40. Presumption as to commission of offence in certain cases.—In prosecutions under section 32 and section 34, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of—

(*a*) any intoxicant; or

(*b*) any still, utensil, implement or apparatus whatsoever in the manufacture of any intoxicant other than toddy; or

(*c*) any materials which have undergone any process towards the manufacture of an intoxicant or from which an intoxicant has been manufactured,

for the possession of which he is unable to account satisfactorily.

41. Criminal liability of licensee for acts of servants.—Where any offence under section 32, section 33, section 34, section 36 or section 37 is committed by any person in the employ and acting on behalf of the holder of a licence or permit granted under this Act, such holder shall also be punishable as if he had comitted himself the said offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punishable under this section with imprisonment, except in default of payment of fine.

42. Enhanced punishment after previous conviction.—If any person, after having been previously convicted of an offence punishable under section 32, section 33 section 34, section 37 or section 38 or under the corresponding provisions of any enactment repealed by this Act, subsequently commits and is convicted of an offence punishable under any of these sections, he shall be liable to twice the punishment which might be imposed on a first conviction under this Act:

Provided that nothing in this section shall prevent any offence which might otherwise have been tried summarily under Chapter XXII of the Code of Criminal Procedure, 1898, from being so tried.

43. Liability of certain things to confiscation.—Whenever an offence has been committed, which is punishable under this Act, the following things shall be liable to confiscation, namely :—

(1) any intoxicant, materials, still, utensil, implement or apparatus in respect of, or by means of which, such offence has been committed ;

(2) any intoxicant lawfully imported, transported, manufactured, had in possession or sold along with, or in addition to, any intoxicant liable to confiscation under clause (1) ; and

(3) any receptacle, package, or covering in which anything liable to confiscation under clause (1) or clause (2), is found, and the other contents, if any, of such receptacle, package or covering and any animal, vehicle, vessel, raft or other conveyance used for carrying the same :

Provided that, if anything specified in clause (3) is not the property of the offender, it shall not be confiscated if the owner thereof had no reason to believe that such offence was being or was likely to be committed.

44. Order of confiscation.—(1) Where in any case tried by him, the Magistrate decides that anything is liable to confiscation under section 43, he may either order confiscation or may give the owner of the thing liable to be confiscated an option to pay in lieu of confiscation such fine as the Magistrate thinks fit.

(2) When an offence under this Act has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Act, and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Excise Commissioner or by any other officer authorised by the State Government in that behalf, who may order such confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizing the goods intended to be

confiscated or without hearing the persons, if any, claiming any right thereto, and the evidence, if any, which they produce, in support of their claims :

Provided further that if the thing in question is liable to speedy and natural decay, or if the Excise Commissioner or the authorised officer is of opinion that the sale would be for the benefit of its owner, he may at any time direct it to be sold and the provisions of this section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

45. Compounding of offences.—(1) The Excise Commissioner, the Deputy Commissioner, or any Excise Officer specially empowered in that behalf may accept from any person whose licence or permit is liable to be cancelled or suspended under clause (*a*) or clause (*b*) of sub-section (1) of section 29 or who is reasonably suspected of having committed an offence under sub-section (2) of section 32, section 33, section 34, section 35, section 36 or sub-section (2) of section 37, a sum of money not exceeding one thousand rupees and subject to such minima as may be prescribed, in lieu of such cancellation or suspension or by way of compensation for the offence which may have been committed, as the case may be ; and in all cases in which any property has been seized as liable to confiscation under this Act, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment by such person of such sum of money or such value or both, as the case may be, such person, if in custody, shall be set at liberty and all the property seized may be released and no proceedings shall be instituted against such person in any Criminal Court. The acceptance of compensation shall be deemed to amount to an acquittal and in no case shall any further proceedings be taken against such person or property with reference to the same act.

46. Penalty on Excise Officer making vexatious search, seizure, detention or arrest.—Any Excise Officer or other person who vexatiously and without reasonable ground for suspicion—

(*a*) enters or searches or causes to be entered or searched any closed place under colour of exercising any power conferred by this Act, or

(*b*) seizes the moveable property of any person on the pretext of seizing or searching for any article liable to confiscation under this Act, or

(*c*) searches, detains or arrests any person, or

(*d*) in any other way exceeds his lawful powers under this Act

shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

47. Penalty for Excise Officer refusing to do duty.—Any Excise Officer, who, without lawful excuse shall cease or refuse to perform or withdraws himself from, the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his official superior officer two months' notice in writing of his intention to do so, or who shall be guilty of cowardice, shall, on conviction, be punished with imprisonment, which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

48. Penalty for vexatious delay.—Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to the nearest Excise Officer or to the officer in charge of the nearest police station, as required by sub-section (2) of section 59 any person arrested, shall, on conviction, be punished with fine which may extend to two hundred rupees.

49. Penalty for abetment of escape of persons arrested, etc.—Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act or abets the commission of any offence against this Act, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or contravened or the excise revenue may be defrauded and any officer of any other Department referred to in section 50 who abets the commission of any offence against this Act in any place, shall, on conviction, for every such offence, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

CHAPTER VIII.

DETECTION, INVESTIGATION AND TRIAL OF OFFENCES.

50. Landholders, officers and others to give information.—(1) Whenever any intoxicant is manufactured or collected, or any hemp plant is cultivated, in or on any land or building, in contravention of this Act—

(*a*) all owners and occupiers of such land or building or their agents, and

(*b*) (i) village officers or servants including members of the village police,

(ii) Chairman, members and officers of the village panchayat, and

(iii) all officers (other than Excise Officers), employed in the collection of revenue or rent of land on behalf of the State Government, or a local authority in the locality in which such land or building is situate,

shall, in the absence of reasonable excuse, be bound to give notice of the fact to a magistrate or to an officer of the Excise or Police or Revenue Department as soon as the fact comes to their knowledge.

(2) Every Excise Officer shall be bound to give immediate information either to his immediate official superior or to an Excise Inspector, of all breaches of any of the provisions of this Act, which may come to his knowledge under sub-section (1) or otherwise.

(3) All such officers, chairmen members or servants as are referred to in sub-section (1) shall be bound—

(*a*) to take all reasonable measures in their power to prevent the commission of such breaches which they may know, or have reason to believe are about or likely to be committed; and

(*b*) to assist the Excise Commissioner in carrying out the provisions of this Act.

51. Power to enter and inspect places of manufacture and sale.—The Excise Commissioner or a Deputy Commissioner or any Excise

Officer not below such rank as may be prescribed, or any Police Officer duly empowered in that behalf, may—

(*a*) enter and inspect, at any time, by day or by night, any place in which any licensed manufacturer manufactures or stores any intoxicant, and

(*b*) enter and inspect at any time within the hours during which sale is permitted, and at any other time during which the same may be open, any place in which any intoxicant is kept for sale by any person holding a licence under this Act; and

(*c*) examine the accounts and registers, and examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, or intoxicant found in such place.

52. Power to arrest without warrant, to seize articles liable for confiscation and to make searches.—(1) Any officer of the State Government employed in the Excise, Police or Revenue Department of the State, subject to such restrictions as may be prescribed, and any other person duly empowered, may—

(*a*) arrest without warrant any person found committing an offence punishable under section 32, section 33, section 34, section 36 or section 37;

(*b*) seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Act, or any other law for the time being in force, relating to excise revenue; and

(*c*) detain and search any person upon whom, and any vessel raft, vehicle, animal, package, receptacle or covering in or upon which, he may have reasonable cause to suspect any such article to be.

(2) When any person is accused or is reasonably suspected of committing an offence under this Act, other than an offence under section 32, section 33, section 34, section 36 or section 37 and on demand of any such officer as aforesaid, refuses to give his name and residence or gives a name and residence which such officer has reason to believe is false, he may be arrested by such officer, in order that his name and residence may be ascertained.

53. Power of magistrate to issue a warrant.—If a magistrate, upon information and after such enquiry (if any) as he thinks necessary, has reason to believe that an offence under section 32, section 33, section 34, section 36 or section 37 has been, is being, or is likely to be, committed, he may issue a warrant—

(*a*) for the search of any place in which he has reason to believe that any intoxicant, still, utensil, implement, apparatus or materials which are used for the commission of such offence or in respect of which such offence has been, is being, or is likely to be, committed, are kept or concealed, and

(*b*) for the arrest of any person whom he has reason to believe to have been, to be, or to be likely to be, engaged in the commission of any such offence.

54. Power to search without warrant.—Whenever the Excise Commissioner or a Deputy Commissioner or any police officer not below the rank of an officer in charge of a police station or any Excise Officer not below such rank as may be prescribed, has reason to believe that an offence under section 32, section 33, section 34, section 36 or section 37 has been, is being, or is likely to be, committed, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, after recording the grounds of his belief—

(*a*) at any time by day or by night enter and search any place and seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and

(*b*) detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.

55. Power of Excise Officers in matters of investigation.—(1) Any Excise Inspector or any Excise Officer not below such rank and within such specified area as the State Government may, by notification, prescribe, may, as regards offences under section 32, section 33 section 34, section 36 or section 37 exercise powers conferred on an officer in charge of a police station by the provisions of the Code of Criminal Procedure, 1898:

Provided that any such power shall be subject to such restrictions and modifications, if any, as the State Government may prescribe.

(2) For the purposes of section 156 of the said Code, the area in regard to which an Excise Inspector is empowered under subsection (1), shall be deemed to be a police station and such officer shall be deemed to be the officer in charge of such station.

56. Report by Investigating Officer.—If, on any investigation by an Excise Inspector or an Excise Officer empowered under subsection (1) of section 55, it appears that there is sufficient evidence to justify the prosecution of the accused, the Investigating Officer, shall submit a report (which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1898, be deemed to be a police report), to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police reports.

57. Report by Excise Officer.—Where any Excise Officer below the rank of an Excise Inspector makes any arrest, seizure or search under this Act, he shall, within twenty-four hours thereafter—

(*a*) make a full report of all the particulars of the arrest, seizure or search to his immediate official superior, and

(*b*) unless bail be accepted under section 59, take or send the person arrested or the thing seized, with all convenient despatch, to a Magistrate for trial or adjudication.

58. Arrest, search, etc., how to be made.—Any person arrested under this Act shall be informed, as soon as may be, of the grounds for such arrest and save as in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898, relating to arrests, detention in custody, searches, summonses, warrants of arrests, search-warrants, the production of persons arrested and the disposal of things seized, shall apply, as far as may be, to all action taken in these respects under this Act.

59. Security for appearance in case of arrest without warrant.
(1) The State Government may, by notification, empower any Excise

Officer to release on bail persons arrested under this Act, otherwise than on a warrant.

(2) When a person is arrested under this Act, otherwise than on a warrant, by a person or officer who is not authorised to release arrested persons on bail, he shall be produced before or forwarded to,—

(*a*) the nearest Excise Officer who has authority to release arrested persons on bail, or

(*b*) the nearest officer in charge of the police station,

whoever is nearer.

(3) Whenever any person arrested under this Act, otherwise than on a warrant, is prepared to give bail, and is arrested by or produced in accordance with sub-section (2) before an officer who has authority to release arrested persons on bail, he shall be released on bail or at the discretion of the officer releasing him, on his own bond.

(4) The provisions of sections 499 to 502, section 513, section 514 and section 515 of the Code of Criminal Procedure, 1898, shall apply, so far as may be, in every case, in which bail is accepted or, bond taken under this section.

60. Procedure for prosecution.—No Magistrate shall take cognizance of an offence punishable—

(*a*) under section 35 or section 38 except on the complaint or report of the Deputy Commissioner or of an Excise Officer authorised by the Deputy Commissioner in this behalf, or

(*b*) under any other section of this Act other than section 46 or section 48, except on his own knowledge or suspicion or on the complaint or report of an Excise or Police Officer.

CHAPTER IX

Appeals and Revision.

61. Appeals.—(1) Any person aggrieved by an order passed by any officer other than the Excise Commissioner or the Deputy Com-

missioner under this Act, may, within sixty days from the date of communication of such order, appeal to the Deputy Commissioner.

(2) Any person aggrieved by an order passed by the Deputy Commissioner under this Act, may, within ninety days from the date of communication of such order, appeal to the Excise Commissioner

(3) Any person aggrieved by an order passed by the Excise Commissioner under sub-section (2), may, within ninety days from the date of communication of such order appeal to the Mysore Revenue Appellate Tribunal.

(4) Subject to the foregoing provisions, appeals under this section, shall be subject to the rules which the State Government may make in this behalf.

62. Revision.—The State Government may call for and examine the records of any proceedings before any officer including those relating to the grant or refusal of a licence, or permit, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed in, and as to the regularity of such proceedings and may either annul, reverse, modify or confirm such order or pass such other order as it may deem fit :

Provided that no order shall be annulled, reversed or modified except after giving a reasonable opportunity of being heard to the person affected by that order.

CHAPTER X.

Miscellaneous.

63. Recovery of Government dues.—(1) The following moneys, namely :—

(*a*) all excise revenue,

(*b*) any loss that may accrue when, in consequence of default, a lease under section 17 has been taken under management by the Deputy Commissioner, or has been re-sold by him, and

(*c*) of amounts due to the Government by any person on account of any contract relating to the excise revenue,

may be recovered from the person primarily liable to pay the same or from his surety, if any, as if they were arrears of land revenue.

(2) When a lease has been taken under management by the Deputy Commissioner, or has been re-sold by him, the Deputy Commissioner he may recover, in the manner authorised by sub-section (1), any money due to the defaulter by any lessee or assignee.

64. Government lien on property of defaulters.—In the event of default by any person licensed or holding lease under this Act, all his distillery, brewery or warehouse or shop or premises fittings or apparatus, and all stocks of intoxicants or materials for the manufacture of the same held in or upon any distillery, brewery, warehouse or shop or premises, shall be liable to be attached in satisfaction of any claim for excise revenue, or in respect of any losses incurred by the State Government through such default and to be sold to satisfy such claim which shall be a first charge upon the sale proceeds.

65. Recovery of dues by lessee under section 17.—Any person to whom a lease has been granted in accordance with the provisions of section 17, may, in a case where sub-letting is not forbidden by the terms of the lease, proceed against any person holding under him for the recovery of any money due in respect of such sub-lease as if it were an arrear of rent recoverable under the law for the time being in force with regard to land-lord and tenant :

Provided that nothing in this section shall affect the right of any such grantee to recover any such money by a civil suit.

66. Refund in cases of exported liquor.—Where excise duty has been levied in respect of the manufacture or production of any liquor in the State and such liquor is subsequenty exported to any other State in India and is subjected to excise or countervailing duty in that State, the Excise Commissioner may on production of proof of such payment of duty, grant refund of duty already paid to such extent as the State Government may prescribe :

Provided that where the State Government so directs, the Excise Commissioner may, permit during such period or periods as

may be specified in such direction, the export of any liquor on which excise duty is payable, on the furnishing of adequate security for payment of the excise duty due thereon; and, on production of proof of payment of countervailing duty on such liquor in any other State, give rebate to the extent prescribed under this section and collect the balance of the excise duty.

67. Power of State Government to exempt, etc.—The State Government may, by notification, and subject to such restrictions and conditions as may be specified in such notificaion,—

(*a*) exempt or reduce the excise duty levied under section 22 on any liquor sold,

(i) for use or consumption by the members of the Armed Forces of the Union; or

(ii) for use for *bona fide* medicinal, sciontific, industrial or such like purpose;

(*b*) exempt any intoxicant from any of the provisions of this Act, other than those of Chapter V, in any specified area or for any specified period or occasion.

68. Protection of action taken under this Act.—No suit or other legal proceeding shall lie against the State Government or any Excise Officer or any other person empowered to exercise powers or to perform the functions under this Act for anything in good faith done or intended to be done under this Act.

69 Limitation of suits.—No suit shall lie against the State Government, or against an Excise Officer, other than a suit by the State Government, in respect of anything done or alleged to have done in pursuance of this Act, unless the suit is instituted within six months from the date of the act complained of.

70. Offences by companies, etc.—(i) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary, or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director", in relation to a firm, means a partner in the firm.

71. Power to make rules.—(1) The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules—

(*a*) prescribing the powers and duties of Excise Officers;

(*b*) regulating the delegation of any power by the Excise Commissioner or the Deputy Commissioner under section 7;

(*c*) prescribing the time and manner of presenting appeals and the procedure for dealing with appeals;

(*d*) regulating the import, export, transport, manufacture, cultivation, collection, possession, supply or storage of any intoxicant and may, by such rules, among other matters—

(i) regulate the tapping of toddy-producing trees, the drawing of toddy from such trees, the marking of the same, and the maintenance of such marks;

(ii) declare the process by which spirit shall be de-natured and the denaturation of spirit ascertained; and

(iii) cause spirit to be denatured through the agency or under the supervision of its own officers;

(*e*) regulating the periods and localities in which, and the persons or classes of persons to whom, licences for the wholesale or retail sale of any intoxicant may be granted and regulating the number of such licences which may be granted in any local area ;

(*f*) prescribing the procedure to be followed and the matters to be ascertained before any licence for such sale is granted for any locality ;

(*g*) regulating the time, place and manner of payment of any duty or fee and the taking of security for the due payment of any duty or fee ;

(*h*) prescribing the authority by which, the form in which and the terms and conditions on and subject to which any licence or permit shall be granted, and may, by such rules, among other matters,—

(i) fix the period for which any licence or permit shall continue in force;

(ii) prescribe the scale of fees, or the manner of fixing the fees payable in respect of any lease, licence or permit, or the storing of any excisable article;

(iii) prescribe the amount of security to be deposited by the holders of any licence or permit for the performance of the conditions of the same ;

(iv) prescribe the accounts to be maintained and the returns to be submitted by licence holders ;

(v) prohibit or regulate the transfer of licences ; and

(vi) prescribe the ages under which it shall be unlawful to employ children and to sell or give to children excisable articles ;

(*i*) providing for the destruction or other disposal of any intoxicant deemed to be unfit for use ;

(*j*) regulating disposal of confiscated articles ;

(*k*) regulating the grant of expenses to witnesses and to persons charged with offences under this Act, and subsequently released or acquitted ;

(*l*) regulating the power of Excise Officers to summon witnesses ;

(*m*) prescribing the rent payable to the Government in respect of toddy trees from which toddy is drawn ;

(*n*) any other matter that may be prescribed under this Act.

(3) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act.

(4) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

72. Repeal and saving.—The following enactments, namely :—

(*a*) The Mysore Excise Act, 1901 (Mysore Act V of 1901) ;

(*b*) The Abkari Act, 1316 F. (Hyderabad Act I of 1316 F.) and the Intoxicating Drugs Act, 1333 F. (Hyderabad Act IV of 1333 F.);

(*c*) The Madras Abkari Act, 1886 (Madras Act I of 1886) shall stand repealed :

Provided that section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899) shall be applicable in respect of such repeal, and section 8 and section 24 of the said Act shall be applicable as if the said enactments were enactments within the meaning of the said Act and had been repealed and re-enacted by this Act.

By Order and in the name of the Governor of Mysore,

R SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Bl'ore

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 61 LGN 65, Bangalore, dated 26th August 1966.

Ordered that the **Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Act, 1966,** which received the assent of the Governor on the Twenty-fifth day of August 1966, be published as Mysore Act No. 25 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 25 OF 1966.

(*First published in the* Mysore Gazette *on the First day of September 1966*)

THE MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) (AMENDMENT) ACT, 1966.

(*Received the assent of the Governor on the twenty fifth day of August 1966*)

An Act to amend the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959.

WHEREAS it is expedient to amend the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 (Mysore Act 20 of 1959);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Public Service Commission (Conduct of Business and Additional Functions) (Amendment) Act, 1966.

(2) It shall come into force at once.

2. Amendment of section 2.—In section 2 of the Mysore Public Service Commission (Conduct of Business and Additional Functions) Act, 1959 (Mysore Act 20 of 1959) (hereinafter referred to as the principal Act), clause (*a*) shall be re-lettered as clause (*aa*), and before the clause as so re-lettered, the following clause shall be inserted, namely:—

"(*a*) 'Assistant Secretary' means the Assistant Secretary to the Commission, or in his absence such other person discharging the duties of the Assistant Secretary for the time being;"

3. Amendment of section 11.—In section 11 of the principal Act,—

(i) in the heading, for the words "by Secretary" the words "by the Secretary or the Assistant Secretary" shall be substituted;

(ii) after the words "by the Secretary." the words "or by the Assistant Secretary" shall be inserted.

4. Insertion of new section 17A.—After section 17 of the principal Act, the following section shall be inserted, namely:—

"**17A. Commission to furnish returns, etc., to Government.**—The Commission shall furnish such returns, records and information as may be required by the Government."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

CORRIGENDUM.

Bangalore, dated 23rd—24th August 1966.

Subject: **The Mysore Stamp (Amendment) Act, 1966.**

In the *Mysore Gazette*, Part IV, Section 2–B, published on Thursday, the 26th May 1966, in page 75, in line 8, *for* "Bill," *read* "Act,".

[No. LAW 61 LGN 66.]

By Order and in the name of the Governor of Mysore,

15. M. L. RAMASWAMI, *Deputy Secy.*

CORRIGENDUM

Bangalore, dated the 23rd—24th August 1966.

Subject: **The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1966.**

In the *Mysore Gazette*, Part IV, Section 2–B, published on Thursday, the 21st April 1966, in line 9 of page 45 *for* "Bill," *read* "Act,".

[No. LAW 9 LGN 66.]

By Order and in the name of the Governor of Mysore,

16 M. L. RAMASWAMI, *Deputy Secy.*

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 56 LGN 65, Bangalore, dated .....September 1966.

Ordered that the **Mysore Ministers Salaries and Allowances (Amendment) Act, 1966,** which received the assent of the Governor on the Thirty-first day of August 1966, be published as Mysore Act No. 26 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 26 OF 1966.

(*First published in the* Mysore Gazette *on the Eighth day of September 1966*).

THE MYSORE MINISTERS SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1966.

(*Received the assent of the Governor on the Thirty-first day of August 1966*)

An Act further to amend the Mysore Ministers Salaries and Allowances Act, 1956.

WHEREAS it is expedient further to amend the Mysore Ministers Salaries and Allowances Act, 1956 (Mysore Act 5 of 1957);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Ministers Salaries and Allowances (Amendment) Act, 1966.

(2) It shall be deemed to have come into force on the first day of May 1964.

2. Amendment of section 12.—In section 12 of the Mysore Ministers Salaries and Allowances Act, 1956 (Mysore Act 5 of 1957), after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) While touring outside India, every Minister and Deputy Minister shall be entitled—

(*a*) for journeys by air, train or sea, to one and one-fifth times the single fare of the class by which he travels;

(*b*) to daily allowance at rupees one hundred per day for the days of journey and for the days of halt at any place :

Provided that the State Government may, in special circumstances, authorise by order payment of daily allowance at such rate not exceeding rupees one hundred and fifty per day as may be specified in the order ".

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 27 LGN 62, Bangalore, dated 8th September 1966.

Ordered that the **Mysore Agricultural Produce Marketing (Regulation) Act, 1966,** which received the assent of the President on the Nineteenth day of August 1966, be published as Mysore Act No. 27 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 27 OF 1966.

(First published in the "Mysore Gazette" *on the Fifteenth day of Septzmber 1966)*

THE MYSORE AGRICULTURAL PRODUCE MARKETING (REGULATION) ACT, 1966

(Received the assent of the President on the Nineteenth day of August, 1966.)

A Bill to provide for the better regulation of buying and selling of agricultural produce and the establishment and administration of markets for agricultural produce in the State of Mysore.

WHEREAS it is expedient to provide for the better regulation of buying and selling of agricultural produce and the establishment and administration of markets for agricultural produce and matters connected therewith in the State of Mysore ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Agricultural Produce Marketing (Regulation) Act, 1966.

(2) It extends to the whole of the State of Mysore

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "agricultural produce" includes,—

(i) live-stock or poultry,

(ii) all produce whether processed or not, of agriculture, animal husbandry, apiculture, horticulture, pisciculture, forest produce, and

(iii) any other produce declared by the State Government by notification to be agricultural produce for the purposes of this Act;

(2) "agriculturist" means a person who cultivates land on one's own account,—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) under the personal supervision of oneself or any member of one's family by hired labour or by servants on wages payable in cash or kind but not as crop share;

Explanation.—A tenant cultivating land of his landlord as specified in this clause shall also be an agriculturist for purposes of this Act.

(3) "Board" means the Mysore State Agricultural Marketing Board established under this Act;

(4) "broker" means an agent who in consideration of a commission, fee or reward, merely negotiates and brings about a contract for the purchase or sale of notified agricultural produce on behalf of his principal, but does not receive, deliver, transport, pay for the purchase of, or collect the payment for the sale of, the notified agricultural produce;

(5) "buyer" or "purchaser" means a person who buys or agrees to buy goods;

(6) "bye-laws" means bye-laws made under this Act;

(7) "Chief Marketing Officer" means the officer appointed by the State Government as such, and includes any other officer or officers empowered by the State Government by notification to exercise or perform such of the

powers or functions of the Chief Marketing Officer under the provisions of this Act or the rules as may be specified in such notification ;

(8) " commission agent " means a person who on behalf of his principal and in consideration of a commission or percentage upon the amount involved in each transaction keeps in his custody the goods of his principal and sells the same and holds himself liable to deliver it to the buyer and to make payment of its price to his principal ;

(9) " commodity " means any kind of agricultural produce meant for sale ;

(10) " credit society " means a co-operative society of agriculturists, one of the primary objects of which is to obtain credit for its members in the market area in which such society carries on its business ;

(11) " delivery " means voluntary transfer of possession from one person to another ;

(12) " Deputy Commissioner " includes any officer subordinate to the Deputy Commissioner not below the rank of a Tahsildar authorised by the State Government by notification to exercise the powers and perform the functions of the Deputy Commissioner under this Act in respect of any market area within the territorial jurisdiction of such officer ;

(13) " exporter " means a person other than a producer who exports goods or causes goods to be exported on one's own account or as agent of another person, from the market area outside such area for the purpose of selling, processing, manufacturing or for any other purpose except for the purpose of one's own domestic consumption, but shall not include a public carrier ; and the expression " importer " shall be constructed accordingly ;

(14) " goods " means any kind of notified agricultural produce ;

(15) " insolvent " means a person who ceases to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of insolvency or not ;

(16) " institution " means a co-operative society, a Taluk Development Board or a local authority ;

(17) " local authority " for the purpose of representation on the market committee means,—

(i) in any municipal area, the municipal Corporation, the Municipal Council, the Cantonment Board, the Sanitary Board, the Town Board or the Notified Area Committee, as the case may be ;

(ii) in any village, the Village Panchayat or the Town Panchayat, as the case may be ;

(18) " market " means any notified area declared to be a market under sub-section (2) of section 6 ;

(19) " market area " means any area declared to be a market area under section 4 ;

(20) " market committee " or " committee " means a market committee constituted for a market area under this Act ;

(21) "market functionary" or "functionary" includes a broker, a commission agent, an exporter, a ginner, an importer, a presser, a processor, a stockist, a trader, and such other person as may be declared under the rules or the bye-laws to be a market functionary ;

(22) "market sub-yard" means a specified place declared to be a market sub-yard under sub-section (2) of section 6 ;

(23) " market yard " means a specified place declared to be a market yard under sub-section (2) of section 6 ;

(24) "market year" means the year commencing on the first day of July ;

(25) "member" means a member of a market committee ;

(26) "misconduct" in relation to a market functionary shall include any conduct of such functionary which is contrary to any of the provisions of this Act, the rules, the bye-laws or standing orders or is inconsistent with the objects and purposes of this Act ;

(27) "notification" means a notification published in the official Gazette ;

(28) "notified agricultural produce" means any agricultural produce which the State Government has by notification issued under sections 4 and 5 declared as an agricultural produce the marketing of which shall be regulated in the market area ;

(29) "over-trading" in relation to trade means,—

(i) buying goods on credit to an extent that the aggregate amount payable to the commission agents in the market area at any time exceeds the limit up to which he is permitted to remain indebted to the commission agents according to the bye-laws with regard to the amount of security he has deposited with or the bank guarantee he has furnished to the market committee ;

(ii) trading in such a manner as not to be able to pay the amounts due or deliver the goods to the persons entitled to them in respect of the agricultural produce, on the due dates ;

(30) "person" includes a firm and a joint Hindu family ;

(31) "prescribed" means prescribed by rules made under this Act ;

(32) "process" means any one of a series of treatments to which raw agricultural produce is subjected to make it fit for ultimate consumption;

(33) "processor" means a person who processes notified agricultural produce by mechanical means;

(34) "producer" means a person who produces notified agricultural produce on one's own account—

(i) by one's own labour, or

(ii) by the labour of any member of one's family, or

(iii) under the personal supervision of oneself or any member of one's family by hired labour or by servants on wages payable in cash or kind but not in share of the produce;

Explanation.—For the purposes of this clause, a producers' society shall be deemed to be a producer;

(35) "producers' society" means a co-operative society one of the primary objects of which is to produce a notified agricultural produce;

(36) "Registrar of Co-operative Societies" includes any officer subordinate to the Registrar of Co-operative Societies in Mysore authorised by him;

(37) "retail sale" means the sale of notified agricultural produce to a consumer for domestic consumption not exceeding such quantity as the market committee may by bye-laws or standing orders determine;

(38) "rules" means rules made under this Act;

(39) "Secretary" means the Secretary of a market committee and includes the Assistant Secretary and any other officer or servant of a market committee or of the State Government authorised to exercise the powers and discharge the functions of the Secretary;

(40) "seller" means a person who sells or agrees to sell goods ;

(41) "solvent" means a person who is not an insolvent ;

(42) "standing order" means a standing order made under section 151 ;

(43) "stockist" means a person other than a licensed commission agent who stocks the goods belonging to other persons, and includes a warehouseman ;

(44) "sub-committee" means a sub-committee of a market committee ;

(45) "sub-market" means a specified area declared to be a sub-market under sub-section (2) of section 6 ;

(46) "sub-market yard" means a specified place declared to be a sub-market yard under sub-section (2) of section 6 ;

(47) "Taluk Marketing Society" means a co-operative society one of the primary objects of which is to sell the notified agricultural produce of its members and the area of operation of which is at least one taluk but not a whole district or more than a district :

Provided that if there is no marketing society in any taluk having a whole taluk within its area of operation, then a marketing society having a part of a taluk as its area of operation shall be deemed to be the taluk marketing society of that taluk ;

(48) "trader" means a person who buys notified agricultural produce either for himself or as an agent of one or more persons for the purpose of selling, processing, manufacturing or for any other purpose, except for the purpose of domestic consumption ;

(49) "vehicle" includes a boat or other vessel or a conveyance of any kind ;

(50) "warehouse" means any building, structure or other protected enclosure which is or may be used for the purpose of storing agricultural produce being goods on behalf of the depositors but does not include cloak rooms attached to hotels, railway stations, the premises of other public carriers and the like ;

(51) "weighment" includes counting or measurement ;

(52) "yard" includes the market yard, the market sub-yard and the sub-market yard.

CHAPTER II

ESTABLISHMENT OF MARKETS

3. *Notification of intention of regulating the marketing of specified agricultural produce in specified area.*— (1) The State Government may, by notification, declare its intention of regulating the marketing of such agricultural produce, in such area, as may be specified in the notification. The notification may also be published in Kannada in a newspaper circulating in such area.

(2) The notification shall state that any objections or suggestions which may be received by the State Government within such period as shall be specified in the notification, not being less than thirty days, will be considered by the State Government.

4. *Declaration of market area and of regulation of marketing of specified agricultural produce therein.*— After the expiry of the period specified in the notification issued under section 3, and after considering such objections and suggestions as may be received before such expiry, the State Government may, by another notification,

declare the area specified in the notification issued under section 3 or any portion thereof to be a market area and that the marketing of all or any of the kinds of agricultural produce specified in the notification issued under section 3 shall be regulated under this Act in such market area. A notification under this section may also be published in Kannada in a newspaper circulating in such area.

5. *Alteration of market area and of items of regulated agricultural produce.*—Subject to the procedure specified in sections 3 and 4, the State Government may, at any time by notification, exclude from any market area any area or include therein an additional area, or may declare that the regulation of the marketing of any agricultural produce in any market area shall cease, or that the marketing of any agricultural produce (hitherto not regulated) shall be regulated in such market area.

6. *Markets, market yards, market sub-yards, sub-markets and sub-market yards.*—(1) (*a*) For every market area,—

(i) there shall be a market, and

(ii) there may be one or more sub-markets;

(*b*) For every market,—

(i) there shall be a market yard, and

(ii) there may be one or more market sub-yards;

(*c*) For every sub-market there shall be a sub-market yard.

(2) (*a*) The Chief Marketing Officer shall, as soon as possible after the issue of a notification under section 4, by a notification, declare any specified area in the market area to be a market. He may also by the same notification or by any subsequent notification declare any other specified area in the market area to be a sub-market.

(*b*) The Chief Marketing Officer shall by a notification under clause (*a*) also declare a specified place (including any structure, enclosure, open place or locality) in the

market to be a market yard for the regulated marketing of the notified agricultural produce specified in the notification. He may also by the same notification or by any subsequent notification or notifications declare any other specified area or areas, as the case may be, (including any structure, enclosure, open place or locality), in the market to be a market sub-yard or sub-yards for the regulated marketing of the notified agricultural produce specified in the notification.

(*c*) Where by a notification under clause (*a*) any specified area is declared to be a sub-market, the Chief Marketing Officer shall by the same notification declare a specified place (including any structure, enclosure, open place or locality) in the sub-market to be a sub-market yard for the regulated marketing of the notified agricultural produce specified in the notification :

Provided that the limits of the market or the sub-market, as the case may be, shall not include any area beyond the limits of the area of the city, town or village within which the market yard or the sub-market yard, as the case may be, is situated.

(3) Subject to the procedure prescribed in sections 3 and 4, the Chief Marketing Officer may at any time by a notification exclude any area from any market or sub-market or any place from any market yard, market sub-yard or sub-market yard, or include therein, subject to the proviso to sub-section (2), an additional area or place, as the case may be, or may direct that the regulated marketing of any notified agricultural produce in any market yard, or market sub-yard, or sub-market yard shall cease or that any notified agricultural produce shall be included in the regulation of marketing in any such yard or sub-yard.

7. *Establishment of markets.*—As soon as may be after the issue of the notification under sub-section (2) of section 6 and the making of the first bye-laws under section 149, the Chief Marketing Officer shall, after satisfying himself that the market committee has made arrangements for.

regulating the marketing of notified agricultural produce in the market area by a notification, declare a date not less than thirty days from the date of issue of the notification as the date on which the market and the sub-markets, if any, shall be established. For all purposes of this Act, the market and the sub-markets, if any, shall be deemed to have been established for the market area with effect from the date so notified.

8. *Control of marketing of agricultural produce.*— (1) After the date specified in the declaration made under section 7,—

(*a*) no local authority shall, notwithstanding anything contained in any law for the time being in force establish, authorise or continue or allow to be established, authorised or continued any place in the market area for the marketing of any notified agricultural produce :

Provided that a local authority may establish or continue any place for retail sale of any notified agricultural produce subject to the condition that no market functionary shall operate in such place except in accordance with the provisions of this Act, and the rules and the bye laws and standing orders of the market committee;

(*b*) no person shall, without, or otherwise than in conformity with the terms and conditions of, a licence granted by the market committee in this behalf,—

(i) use any place in the market area for the marketing of the notified agricultural produce, or

(ii) operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, warehouseman, or in any other capacity in relation to the marketing of the notified agricultural produce :

Provided that nothing contained in clause (*b*) shall apply,—

(i) to the sale of such agricultural produce if the producer of such produce is himself its seller, or

(ii) to the purchase of such produce if the purchaser is a person—

(*a*) who purchases such produce for his domestic consumption; or

(*b*) who purchases such produce in the market or sub-markets outside the market yard or sub-yard or the sub-market yard, as the case may be, from a trader for retail sale.

(2) No place in the market or the sub-market, except the market yard, sub-yard or the sub-market yard, as the case may be, shall be used for the purchase or sale of notified agricultural produce belonging to a producer :

Provided that nothing in this sub-section shall be applicable to the purchase or sale of such agricultural produce by way of retail sale if the producer of such produce is himself its seller and the purchaser is a person who purchases such produce for his domestic consumption.

CHAPTER III

Constitution of Market Committees.

9. *Establishment of Market Committee and its incorporation.*—(1) Save as provided in Chapter IX, for every market area, there shall be a market committee having jurisdiction over the entire market area.

(2) Every market committee established under this Act shall be a body corporate by such name as the State Government may by notification specify. It shall have

perpetual succession and a common seal and may sue and be used in its corporate name and shall, subject to such restrictions as are imposed by or under this Act, be competent to contract and to acquire, hold, lease, sell or otherwise transfer any property and to do all other things necessary for the purpose for which it is established :

Provided that no immoveable property shall be acquired or transferred without the permission of the Chief Marketing Officer.

(3) For the purposes of the Land Acquisition Act, 1894, every market committee shall be deemed to be a local authority.

10. *Constitution of the first market committee.*— (1) Notwithstanding anything contained in section 11, a market committee constituted for the first time for any market area, shall consist of the following members nominated by notification by the State Government :—

(i) seven agriculturists residing in the market area, not disqualified under sub-clause (*a*) of clause (1) or clause (2) of section 16 ;

(ii) two traders residing in the market area not disqualified under clause (2) of section 16 ;

(iii) one commission agent not being a trader, residing in the market area not disqualified under clause (2) of section 16 ;

(iv) one shall be a member of the committee of management of the Taluk Marketing Society within the area of operation of which the market yard is situated, who is not disqualified under section 16 ;

(v) one shall be a member of the committee of management of a producers' society the area of operation of which is within the market area, who is not disqualified under section 16 ;

(vi) one shall be a member of the Taluk Development Board within the jurisdiction of which the market yard is situated, who is not disqualified under section 16 ;

(vii) one shall be a member of the local authority within the jurisdiction of which the market yard is situated, who is not disqualified under section 16 ;

(viii) one shall be an officer subordinate to the Chief Marketing Officer.

Provided that if suitable persons of the categories specified in any category of clauses (ii) to (vii) (both inclusive) are not available, the committee shall consist only of persons of the available categories nominated by the State Government :

Provided further that when suitable persons of the categories not nominated earlier become available subsequently, they may be nominated as members and such members shall hold office so long as the members first nominated hold the office of members.

(2) The State Government shall by notification nominate the Chairman and the Vice-Chairman from among the members nominated under clause (i) of sub-section (1).

(3) The notifications under sub-sections (1) and (2) shall be issued as soon as possible after the issue of a notification under sub-section (2) of section 6 declaring any specified area as the market.

(4) (*a*) Save as otherwise provided in this Act, the members of the first market committee shall hold office for a period of two years from the date of notification under sub-section (1) :

Provided that the State Government may by notification extend the term of office of the members by such period or periods not exceeding one year in the aggregate.

(*b*) Persons who are members by virtue of their being representatives of a local authority, co-operative society or other body of persons shall hold office so long only as they continue to be such representatives.

(*c*) In the event of a vacancy occurring on account of death, resignation or otherwise, the vacancy shall be filled by nomination by the State Government and the person nominated shall hold office so long only as the member in whose place he is nominated would have held it, if the vacancy had not occurred.

11. *Constitution of second and subsequent market committees.*—(1) Save as provided in section 10, every market committee shall consist of the following members, namely :—

(i) seven members shall be persons elected by the agriculturists in the market area ;

(ii) two members shall be persons elected by A class, B class and C class traders in the market area ;

(iii) one member shall be a person elected by commission agents holding licences to operate in the market area ;

(iv) one member shall be a representative of the Taluk Marketing Co-operative Society within the area of operation of which the market yard is situated, who is not disqualified under section 16, elected by its committee of management ;

(v) one member shall be a representative of a producers' society the area of operation of which is within the market area, who is not disqualified under section 16, elected by its committee of management :

Provided that if there be more than one society of the class specified in clause (v) in the market area, then a

representative of any one of such societies as may be specified by the Registrar of Co-operative Societies, in accordance with the principles laid down in the explanation to this sub-section, shall be the member of the market committee :

Provided further that where any society carries on more than one business referred to in clauses (iv) and (v), the Registrar of Co-operative Societies shall specify such society under any one class for the purpose of this Act :

Provided also that if there is no society of any of the classes referred to in clauses (iv) and (v) functioning in the market area, a representative or representatives of such co-operative credit societies functioning in the market area as the Registrar of Co-operative Societies may specify in accordance with the principles laid down in the explanation to this sub-section, who are not disqualified under section 16, elected by the committee or committees of management of the said society or societies, shall be the member or members of the market committee ;

(vi) one member shall be a representative of the Taluk Development Board within the jurisdiction of which the market yard is situated, who is not disqualified under section 16, elected by such Taluk Development Board ;

(vii) one member shall be a representative of the local authority within the jurisdiction of which the market yard is situated, who is not disqualified under section 16, elected by such local authority ;

(viii) one member shall be an officer subordinate to the Chief Marketing Officer nominated by the Chief Marketing Officer :

Provided that if persons of the categories specified in any category of clauses (ii) to (vii) (both inclusive) are not available, the committee shall consist only of persons of the categories available :

Provided further that when persons of those categories become available, they may be elected as members and such members shall hold office so long only as the members first elected hold the office of members.

Explanation.—For purposes of specifying the co-operative society under the first or third proviso to clauses (iv) and (v), the society assigned the highest audit classification by the Registrar of Co-operative Societies, and where a selection has to be made from among more than one society in the same audit classification, the society certified by the said Registrar as a society with wider business activities and efficient administration, shall be the co-operative society to be specified under the said proviso.

(2) Notwithstanding anything contained in sub-section (1), when a co-operative society, Taluk Development Board or local authority which is represented on the market committee is superseded, the administrator or any other person entitled to exercise the powers and perform the functions of such society, Taluk Development Board or local authority shall, if not disqualified under section 16, *ex-officio* be a member of the market committee.

12. *Provisions for elections.*—Subject to the provisions of this Act, the members of a market committee shall be elected in the manner prescribed by rules. Such rules may provide also for the preparation and maintenance of the lists of voters, the qualifications and disqualifications of voters, the payment of deposits by candidates and their forfeiture and all matters relating to such elections.

13. *Superintendence, direction and control of elections.*—(1) Subject to the instructions of the Chief Marketing Officer, the superintendence, direction and control of the preparation of the lists of voters for and the conduct of all elections to the market committee, shall be vested in the Deputy Commissioner:

Provided that where the areas in more than one district are included in any market area, the Deputy Commissioner of the District in which the yard is situated shall be the Deputy Commissioner in respect of the market committee of such area for the purposes of this Act.

(2) The State Government shall make available to the Deputy Commissioner such staff and funds as may be necessary for the discharge of the functions and responsibilities conferred on the Deputy Commissioner under this Act.

(3 All expenditure in connection with or incidental to the election of members to the market committees shall be met from the Consolidated Fund of the State.

14. *Constituencies for election of certain members.*— (1) For the purpose of electing the members referred to in clauses (i), (ii) and (iii) of sub-section (1) of section 11, to a market committee, there shall be the following constituencies in every market area :—

(i) seven agriculturists' constituencies for electing representatives of agriculturists, each constituency being a single member constituency ;

(ii) one traders' constituency for the entire market area for electing two representatives of licensed traders ; and

(iii) one commission agents' constituency for the entire market area for electing one representative of the commission agents.

(2) For the purpose of clause (i) of sub-section (1), the Deputy Commissioner shall by notification determine the territorial extent of the seven agriculturists' constituencies. The number of voters in each such constituency shall as far as practicable be the same throughout the market area.

15. *Qualification for candidates for election.*—Every person, unless disqualified under the provisions of this Act

or any other law for the time being in force, shall be qualified to be elected as a member of the market committee—

(i) by an agriculturists' constituency, if his name is in the list of voters of any of the agriculturists' constituencies of the market area;

(ii) by the traders' constituency, if his name is in the list of voters of the traders' constituency of the market area; and

(iii) by the commission agents' constituency, if his name is in the list of voters of the commission agents' constituency of the market area.

16. *Disqualifications for membership.*—Without prejudice to any other disqualifications provided in this Act,—

(1) a person shall be disqualified for being chosen as, or for being, a member of a market committee—

(*a*) as a representative of agriculturists, if he or a firm in which he is a partner, or a body corporate (other than a co-operative society) in which he is a Director, or a joint family of which he is a member, does business as a trader, commission agent or broker;

(*b*) as a representative of traders, if he has ceased to be a licensed trader;

(*c*) as a representative of commission agents, if he has ceased to be a licensed commission agent, or if he, or a firm in which he is a partner or a body corporate (other than a co-operative society) in which he is a Director or a joint family of which he is a member, does business as a trader;

(2) a person shall be disqualified for being chosen as or for being, a member of the market committee—

(*a*) if he is less than twenty-one years of age; or

(*b*) if he has been sentenced by a criminal court for imprisonment for an offence which involves

moral turpitude and which is punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or remitted ; or

(*e*) if an order is passed against him under section 108 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), in proceedings instituted under section 110 of that Code, such order having not been subsequently reversed or quashed ; or

(*d*) if he is an undischarged insolvent ; or

(*e*) if he is of unsound mind and stands so declared by a competent court ; or

(*f*) if he is a servant of any market committee, local authority or co-operative society or holds a licence from the market committee as a weighman, measurer, or surveyor ; or

(*g*) if, save as hereinafter provided, he has directly or indirectly any share or interest in any work done by the order of the market committee, or any contract of employment with, or under, or by, or on behalf, of the market committee ; or

(*h*) if he is employed as a legal practitioner on behalf of the market committee or accepts employment as a legal practitioner against the market committee ; or

(*i*) if he is a defaulter for a period of more than fifteen days by failing to pay any fee or other amount due to the market committee, from the date on which the bill in that regard is presented to him :

Provided that—

(i) the disqualification in sub-clause (*b*) shall cease to operate after the expiry of five years from the date of such sentence ,

(ii) the disqualification in sub-clause (*c*) shall cease to operate after the expiry of the period during which a person is ordered to furnish security ;

(iii) a person shall not be deemed to have incurred disqualification under clause (*g*) by reason of his—

(*a*) having a share in any joint stock company or a share or interest in any association registered under the Mysore Societies Registration Act, 1960, or in any co-operative society which shall contract with or be employed by or on behalf of the market committee ; or

(*b*) holding debenture or being otherwise concerned in any loan raised by or on behalf of the market committee ;

(3) a person shall be disqualified for being a member of the market committee as a representative of any institution, if he, or a firm of which he is a partner or a body corporate (other than a co-operative society) in which he is a Director, or a joint family of which he is a member, does business as a trader, commission agent or broker.

17. *Disqualification of sitting member.*—(1) If any member of the market committee,—

(*a*) becomes subject to any of the disqualifications mentioned in section 16 ; or

(*b*) if a member representing the constituencies mentioned in section 14 absents himself for more than three consecutive months from the market area, unless leave not exceeding six months so to absent himself has been granted by the market committee, or absents himself for six consecutive months from the meetings of the market committee without the leave of the market committee,

he shall be disabled from continuing to be a member and his seat shall become vacant :

Provided that where an application is made by a member to the market committee for leave to absent himself and the market committee fails to inform the applicant of

its decision on the application within a period of two months from the date of the application, the leave applied for shall be deemed to have been granted by the market committee.

(2) Whenever the question of occurrence of a vacancy under sub-section (1) arises, the Deputy Commissioner shall either *suo motu* or on a report from the Secretary to the market committee or otherwise, and after giving an opportunity to the member concerned to be heard and holding such enquiry as he deems fit, decide the question, and his decision shall be final.

18. *Constituency or institution failing to return representative.*—(1) If any constituency fails to return the required number of representatives, owing to the absence of the required number of nominations of candidates, then the State Government shall nominate such number of persons as to make up the required number of members, being persons who would have been qualified to be elected as members representing such constituency, and the persons so nominated shall be deemed to have been duly elected from such constituency. If the failure on the part of a constituency to return the required number of representatives is on account of the rejection of any nomination papers at the time of the scrutiny, then the Deputy Commissioner shall hold another election in that constituency.

(2) If any institution fails to return its representative, then the State Government shall nominate a member of such institution, who is qualified to be elected, as such representative.

19. *Prohibition of simultaneous membership.*—(1) If a person is elected by more than one constituency, he shall by a notice in writing signed by him and delivered to the Deputy Commissioner within the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) When any such choice has been made, the constituency or each of the constituencies other than the constituency which such a person has chosen to serve, shall be called upon to elect another person.

(3) If the candidate does not make the choice referred to in sub-section (1), the Deputy Commissioner shall determine by lot the constituency which he shall serve, and the constituency or each of the constituencies other than the constituency which he should serve shall be called upon to elect another person.

Explanation.—For purposes of this section, 'constituency' shall include any of the institutions referred to in clauses (iv) to (vii) of sub-section (1) of section 11.

20. *Determination of validity of election.*—(1) At any time within fifteen days from the date of publication under section 27 of the result of an election, any candidate who stood for election or any person qualified to vote at that election may challenge the election by presenting an election petition by making the candidates at the election parties to the petition, together with a deposit of two hundred rupees as security for costs in the prescribed manner, to the Munsiff within whose territorial jurisdiction the market yard of the market area concerned is situate for the determination of the validity of the election and claiming any or both of the following reliefs, namely :—

(*a*) a declaration that the election of all or any of the returned candidates is void ;

(*b*) a declaration that he himself or any other candidate has been duly elected.

(2) The Munsiff shall, after such enquiry as he deems necessary, pass an order—

(*a*) dismissing the election petition, or

(*b*) declaring the election of all or any of the returned candidates to be void, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ; or

(iv) by any non-compliance with the provisions of this Act or any rules or orders made under this Act,

the Munsiff shall declare the election of any or all of the returned candidates to be void.

22. *Grounds for which a candidate other than the returned candidate may be declared to have been elected.*—If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected, and the Munsiff is of opinion—

(*a*) that in fact the petitioner or such other candidate received a majority of the valid votes ; or

(*b*) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes, the Munsiff shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

23. *Procedure in case of an equality of votes.*—If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(*a*) any decision made by the returning officer under the provisions of this Act or the rules made thereunder shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition ; and

(*b*) in so far as that question is not determined by such a decision, the Munsiff shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

24. *Corrupt Practices.*—(1) A person shall be deemed to have committed a corrupt practice—

(*a*) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person ; or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote ; or

(*c*) who hires or procures, whether on payment or otherwise, any vehicle or vessel for the conveyance of any voter (other than the person himself, the members of his family or his agent) to and from any polling station :

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for the purpose of conveying him or them to or from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

A corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation I.—The expression "promise of individual profit"—

(i) does not include a promise to vote for or against any particular measure which may come before a market committee for consideration ; but

(ii) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

Explanation II.—The expression " vehicle " means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(2) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules relating to the elections or of an irregularity or informality not corruptly caused, the Munsiff shall not set aside the election.

Explanation.—The expression " error " in this subsection does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Act or the rules made thereunder whereby the result of the election has been materially affected.

25. *Other orders to be made by the Munsiff.*—If the Munsiff by his order under section 21 declares the election of any candidate to be void on the ground specified in clause (*b*) of that section, he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any market committee for a term not exceeding five years :

Provided that no such declaration shall be made in respect of any person other than the returned candidate without giving such person an opportunity to show cause why such declaration shall not be made :

Provided further that such person, may, at any time be relieved from such disqualification by an order of the State Government in that behalf.

26. *Appeal against orders of Munsiff.*—(1) Any person aggrieved by any decision or order of the Munsiff

under section 20, 21, 22, 23 or 25, may within thirty days from the date of such decision or order appeal in the prescribed manner to the District Judge within whose territorial jurisdiction the market yard of the market area concerned is situate. The decision of the District Judge on such appeal shall be final and conclusive. The District Judge shall forthwith communicate the result of his decision or order to the Deputy Commissioner, who shall take steps either to publish the names of the persons declared elected or to hold fresh election, as the case may be.

(2) Any person intending to exercise a right of appeal provided in sub-section (1) may obtain an order staying any of the consequences arising on account of the order of the Munsiff passed under section 20, 21, 22, 23 or 25, on deposit in the prescribed manner of an amount of four hundred rupees as security for costs in the Court of the Munsiff apart from the amount of deposit, if any, made under sub-section (1) of section 20. The Munsiff shall order such stay on such deposit for a period not exceeding two months from the date of his order. If no further stay is obtained before the expiry of such period, from the District Judge or if such stay is obtained from the District Judge and the period of stay expires or if such stay is ultimately cancelled, the amount deposited or the balance, if any, out of such amount after deducting the amount of costs, if any, of the parties opposing the appeal or the stay, awarded by the District Judge by his order in such appeal, shall be forfeited to the State Government by an order made in this behalf by the Munsiff unless the District Judge orders the refund of the deposit amount or the balance of the amount, as the case may be, or any part thereof by an order passed in that regard at the time of his giving decision in the appeal or thereafter and such order is communicated to the Munsiff.

(3) Every appeal under this section shall be decided as expeditiously as possible, and endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the District Judge.

27. *Publication of names of elected members.*—The Deputy Commissioner shall publish the names of all the elected members by a notification in the official Gazette.

28. *Casual vacancies.*—Where a vacancy occurs through the resignation, removal or non-acceptance of office by a person elected or nominated to be a member or through such person becoming disqualified to be a member or through any election being set aside or through the death or otherwise previous to the expiry of his term of office, the vacancy shall be filled up as soon as may be after the occurrence of the vacancy by the election or nomination, as the case may be, of a person thereto who shall hold office so long only as the member in whose place he is elected or nominated would have held the office if the vacancy had not occurred :

Provided that if the vacancy of a member occurs within six months preceding the date on which the term of office of the members of the market committee expires, the vacancy may be filled up by the market committee by co-option of a person qualified to be elected as a member in place of the member whose seat has become vacant.

29. *Prohibition of canvassing in or near polling stations.*—(1) No person shall, on the date or dates on which a poll is taken in any polling station, commit any of the following acts in any public or private place within a distance of one hundred metres of the polling station, namely :—

(*a*) canvassing for votes ; or

(*b*) soliciting the vote of any voter ; or

(*c*) persuading any voter not to vote in the election ;

(*d*) exhibiting any notice or sign other than an official notice relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) An offence punishable under this section shall be cognizable.

30. *Penalty for disorderly conduct in or near polling station.*—(1) No person shall, on the date or dates on which a poll is taken at any polling station—

(*a*) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(*b*) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps and use force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

31. *Penalty for misconduct at polling station.*—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall, on conviction, be punished with fine which may extend to two hundred and fifty rupees.

(4) An offence punishable under sub-section (3) shall be cognizable.

22. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

33. *Officers, etc., at elections not to act for candidates or influence voting.*—(1) No person who is a returning officer, or a presiding or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(*a*) to persuade any person to give his vote at an election ; or

(*b*) to dissuade any person from giving his vote at an election ; or

(*c*) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both.

34. *Breaches of official duty in connection with elections.*—(1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall, on conviction, be punished with fine which may extend to five hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election; and the expression " official duty " shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act or the rules or orders made thereunder.

35. *Removal of ballot papers from polling stations to be an offence.*—(1) Any person who at any election fraudulently takes, or attempts to take a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has

committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

36. *Other offences and penalties therefor.*—(1) A person shall be guilty of an offence if at any election he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper ; or

(*b*) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer ; or

(*c*) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or

(*d*) without due authority supplies any ballot paper to any person ; or

(*e*) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in ; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election ; or

(*g*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an offence under this section shall,—

(*a*) if he is a returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, on conviction, be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five hundred rupees, or with both ;

(*b*) if he is any other person, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred and fifty rupees, or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if he has to take part in the conduct of an election or part of an election, including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression " official duty " shall not include any duty imposed otherwise than by or under this Act.

(4) An offence punishable under clause (*b*) of sub-section (2) shall be cognizable.

37. *Prosecution of certain offences.*—No Court shall take cognizance of an offence punishable under section 33 or 34 or under clause (*a*) of sub-section (2) of section 36 unless there is a complaint made by an order of or under authority from the Deputy Commissioner.

38. *Term of office of members.*—(1) The members of the market committee shall, save as otherwise provided in this Act, hold office for a term of four years :

time, the said term for a period or periods not exceeding one year.

(2) Notwithstanding anything contained in sub-section (1), a person who is a member of a market committee by virtue of being a representative of any institution shall cease to be such member on his ceasing to be a member of the managing body of the institution concerned by efflux of his term of office or otherwise.

39. *Commencement of term of office.*—(1) The term of office of the members of a market committee shall commence on the date immediately after the expiry of the term of office of the out-going members of the market committee or on the date of the publication of the names of the elected members under section 27, whichever is later.

(2) When not less than two-thirds of the representatives of agriculturists, and not less than two-thirds of the total number of members of a Market Committee are available to function as members after a general election, the market committee shall, notwithstanding anything contained in this Act, be deemed to be duly constituted; and the market committee so constituted shall be competent to exercise the powers and perform the functions of the market committee.

40. *Resignation of members.*—A member of a market committee other than an *ex-officio* member may resign his membership in writing, under his hand addressed to the Chairman of the market committee and his seat shall become vacant on the expiry of fifteen days from the date of such resignation unless within the said period of fifteen days, he withdraws such resignation in writing under his hand addressed to the Chairman.

41. *Election of Chairman and Vice-Chairman.*—(1) Subject to the provisions of sub-sections (2) and (3), every market committee shall choose two members representing

to be respectively the Chairman and Vice-Chairman thereof and so often as the office of the Chairman or the Vice-Chairman becomes vacant by death, resignation, removal or otherwise, the market committee shall choose another member to be the Chairman or the Vice-Chairman, as the case may be, in accordance with the provisions of this Act and the rules.

(2) On the constitution of a market committee under section 11 or on its reconstitution, a meeting shall be called within four weeks from the date of commencement of the term of office of the members of the market committee by the prescribed officer who shall himself preside over the meeting, but shall have no right to vote. Such meeting shall first proceed to elect a member representing an agriculturists' constituency, as its Chairman. In the case of equality of votes, the result of the election of the Chairman shall be decided by lot to be drawn by the officer presiding at the meeting. The meeting shall then proceed to elect another member representing another agriculturists' constituency, as its Vice-Chairman.

(3) Where a Chairman has to be elected on account of the vacancy occurring in the office of the Chairman, the meeting for such election shall be convened by the prescribed officer and the election held in the manner specified in sub-section (2).

(4) Any dispute relating to the validity of the election of the Chairman or the Vice-Chairman under sub-section (1), (2) or (3) shall be decided by the District Judge having jurisdiction over the area in which the office of the market committee is located, in accordance with such rules as may be prescribed. The decision of the District Judge in that behalf shall be final, and no suit or other proceedings shall lie in any civil court in respect of any such decision.

42. *Term of office of Chairman or Vice-Chairman and Tahsildar to be in-charge on expirs of such term.*—(1) Save

as otherwise provided in this Act, the Chairman and Vice-Chairman shall continue in office for the term of the market committee :

(2) Notwithstanding anything contained in this Act, on the expiry of the term of office of the Chairman and Vice-Chairman and of the market committee, the Tahsildar of the Taluk in which the yard is situated shall exercise the powers and perform the functions of the market committee and its Chairman until the market committee is reconstituted and its Chairman is elected.

43. *Vacancy in office of Chairman and Vice-Chairman.*—(1) A member holding office as Chairman or Vice-Chairman may resign his office at any time by writing under his hand addressed to the Chief Marketing Officer and the office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless, within the said period of fifteen days, he withdraws such resignation in writing under his hand addressed to the Chief Marketing Officer.

(2) Every Chairman or Vice-Chairman shall vacate office if he ceases to be a member of the market committee.

(3) During the vacancy in the office of the Chairman and when there is no Vice-Chairman to take his place, then, notwithstanding anything contained in this Act, the Tahsildar of the Taluk in which the yard is situated shall exercise the powers and perform the functions of the Chairman until a Chairman or Vice-Chairman is duly elected.

44. *Motion of no-confidence.*—(1) A motion of no-confidence may be moved by any member against the Chairman or the Vice-Chairman after giving such notice as may be prescribed and such notice shall be supported by not less than one-third of the total number of members of the market committee. If a meeting for consideration of the no-confidence motion is not directed by the Chairman to be convened within thirty days from the date of the notice, the Secretary of the market committee shall convene the meeting.

Chairman is carried by a majority of not less than two-thirds of the total number of members of the market committee, the Chairman or the Vice-Chairman, as the case may be, shall be removed from his office by an order passed to that effect by the Chief Marketing Officer. The order shall be communicated to the Secretary of the market committee and to the Chairman or the Vice-Chairman concerned :

Provided that the Chairman or the Vice-Chairman shall vacate office on the expiry of thirty days from the date of the passing of the motion, if no order of such removal is passed within the said period.

(3) Notwithstanding anything contained in this Act or the rules, the Chairman or the Vice-Chairman shall not preside over a meeting in which a motion of non-confidence is discussed against him, but he shall have a right to speak and otherwise to take part in the proceedings of the market committee :

45. *Leave of absence to Chairman and Vice-Chairman and consequences of absence without leave.*—(1) Every Chairman and every Vice-Chairman officiating as Chairman who for a continuous period exceeding forty days absents himself from the market area, or from attending the office of the market committee, in such manner as to be unable to perform his duties as Chairman or officiating Chairman, as the case may be, shall cease to be the Chairman or the Vice-Chairman, as the case may be, unless leave so to absent himself has been granted by the market committee.

(2) Subject to the provisions of sub-section (1), every Vice-Chairman who for a continuous period exceeding three months absents himself from the market area, shall cease to be the Vice-Chairman unless leave so to absent himself has been granted by the market committee.

(3) Leave under sub-section (1) or (2) shall not be granted for a period exceeding one hundred and eighty days in any one year. Whenever such leave is granted to the

all the powers and perform all the duties of the Vice-Chairman in lieu of the Vice-Chairman, who shall be exercising the powers and performing the duties of the Chairman during the period for which such leave is granted. Whenever such leave is granted to the Vice-Chairman, the market committee shall elect one of its members eligible to be elected as Vice-Chairman to exercise the powers and to perform the duties of the Vice-Chairman, during the period for which such leave is granted.

CHAPTER IV

Conduct of Business

46. *Powers and duties of Chairman.*—Without prejudice to the powers conferred on the Chairman under any other provision of this Act,—

(1) the Chairman of the market committee shall be the chief controlling and supervising officer of the market committee. All officers and servants of the market committee shall, subject to the provisions of this Act, the rules, the bye-laws and the directions, if any, given by the committee, be subject to his control.

(2) The Chairman shall—

(*a*) preside over the meetings of the market committee and the sub-committees and conduct business at such meetings ;

(*b*) watch over the financial and executive administration of the market committee ;

(*c*) exercise supervision and control over the officers and servants (whether such officers or servants are Government servants or not) of the market committee in matters of executive administration, concerning accounts and records and disposal of all questions relating to the service of the employees : and

(*d*) in cases of emergency, direct the execution of stoppage of any work or the doing of any act which requires the sanction of the market committee.

47. *Powers and duties of Vice-Chairman.*—The Vice-Chairman of the market committee shall—

(*a*) save as otherwise provided in this Act or the rules, in the absence of the Chairman, preside over the meeting of the market committee and the sub-committees;

(*b*) exercise such powers and perform such duties of the Chairman, as the Chairman may, from time to time, delegate to him; and

(*c*) exercise the powers and perform the duties of the Chairman, pending the election of the Chairman or during the absence of the Chairman on leave.

48. *Meeting of the market committee.*—(1) A market committee shall meet for the transaction of its business at least once in every month at the office of the market committee on such date and at such time, as the Chairman may determine:

Provided that the market committee may, in special circumstances meet at any other place in the market area, if by a resolution passed to that effect, it directs that any meeting of the market committee shall be convened to meet at any place in the said area other than in the office of the market committee.

(2) The Chairman may, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members and on a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which the meeting is proposed to be called.

(3) If the Chairman fails to call a special meeting as provided in sub-section (2), the Vice-Chairman or one-third of the total number of members may call such meeting

for a day not more than forty days after the presentation of such request and require the Secretary to give notice to the members and take such action as may be necessary to convene the said meeting, and on such request the Secretary shall convene the meeting accordingly.

(4) Seven clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the date, time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members entitled to attend the meeting and affixed on the notice board of the office of the market committee. Such notice shall include, in the case of a special meeting, any motion or proposition to be considered at such meeting :

Provided that in case of urgency, the Chairman may, for reasons to be recorded in writing, convene a special meeting of the market committee by giving thirty-six hours previous notice to the members.

49. *Quorum and procedure at meetings.*—(1) As nearly as may be one-third of the total number of members of the market committee shall form a quorum for transacting the business at a meeting of the committee. If within half-an-hour from the time appointed for the meeting, the quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future date as may be fixed by such authority. The presiding authority shall similarly adjourn the meeting at any time after it has begun, if his attention is drawn to the want of a quorum. At such adjourned meeting at which there is a quorum, the business which could have been brought before the original meeting shall be transacted.

(2) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the committee should be held *in camera* :

Provided that the presiding authority may at any time, cause any person who interrupts the proceedings to be

removed and [illegible]
may be used.

(3) Every meeting shall be presided over by the Chairman, or, if he is absent, or is disqualified to preside, by the Vice-Chairman, and if both the Chairman and Vice-Chairman are absent or disqualified to preside or if the Chairman is absent and there is no Vice-Chairman, by such one of the members present in the meeting as may be chosen by the meeting to be the Chairman for the occasion. No quorum shall be necessary for choosing a member for presiding over a meeting for adjourning such meeting for want of quorum.

(4) All questions shall, unless otherwise specially provided in this Act, the rules or the bye-laws, be decided by majority of votes of the members present and voting. The presiding authority, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and in case of equality of votes, he shall give an additional or casting vote.

(5) No member of a market committee shall vote on, or take part in the discussions of, any question coming up for consideration at a meeting of the market committee or any sub-committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(6) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect is carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the committee may be chosen to preside at the meeting during the continuance of such discussion.

(7) No business shall be transacted and no proposition shall be discussed at any meeting unless it has been specified in the notice convening such meeting :

Provided that the Chairman may propose any urgent subject of a routine nature not included in the notice if no member objects to it :

resolution connected with or incidental to the subjects included in the notice.

(8) The order in which any business or proposition shall be brought forward in such meeting shall be determined by the presiding authority who, in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition, shall act in accordance with the decision of the committee on such proposal.

(9) Any ordinary meeting may, with the consent of the majority of the members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

50. *Modification or cancellation of resolutions.*—No resolution of the market committee shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one half of the total number of members present at an ordinary or special meeting, notice whereof shall have been given setting forth fully the resolution which it is proposed to modify or cancel in such meeting and the motion or proposition for the modification or cancellation of such resolution.

51. *Minutes.*—Minutes shall be kept of the names of the members present and of the proceedings, at each meeting of the committee, and if any member present at the time so desires, of the names of the members voting, respectively for or against the resolution, in a book to be provided for this purpose, which shall be signed as soon as practicable by the Secretary and the presiding authority of such meeting, and shall at all reasonable times, be open to inspection by any member of the committee, or save as otherwise provided in the rules, on payment of the fee prescribed in the bye-laws by any person entitled to vote at the elections of members of the market committee.

52. *Confirmation of minutes.*—Minutes of every meeting of the market committee shall be read at the commencement of every subsequent meeting and confirmed as they are recorded or with such modifications if any to be made therein consistent with the transaction of business at the meeting to which they relate.

53. *Interpellation and resolutions.*—(1) A member of a market committee may move resolutions and interpellate the Chairman on matters concerned with the administration of the market committee, subject to such bye-laws as may be made by the committee.

(2) A member of a market committee may also call the attention of the Chairman to any neglect or irregularity in the affairs of the market committee, any waste of property belonging to the market committee or to the want of any amenities within the market area or to any general or particular grievance relating to the regulation of the market, and may suggest any improvements which may be desirable.

(3) A market committee may pass and submit for the consideration of the Chief Marketing Officer resolutions on any question connected with the administration of the market area.

54. *Bye-laws to regulate detailed procedure at meetings.*—Subject to the provisions of this Act and the rules, the procedure at a meeting of the market committee or at the meetings of the sub-committees of a market committee shall be in accordance with the bye-laws made for that purpose.

55. *Mode of making contracts.*—(1) No contract or agreement on behalf of the market committee for the purchase, sale, lease, mortgage or other transfer of or acquisition of interest in immoveable property shall be executed on behalf of the market committee except with the sanction of the market committee :

Provided that in cases where the powers under this sub-section in respect of any matters are delegated to a sub-committee, sanction of such sub-committee shall be obtained.

(2) Save as provided in sub-section (1),—

(i) the Secretary of the market committee may execute contracts or agreements on behalf of the market committee where the amount or value of such contract or agreement does not exceed rupees five hundred regarding matters in respect of which he is generally or specially authorised to do so by a resolution of the market committee;

(ii) the Chairman and the Secretary of the market committee may jointly execute contracts or agreements on behalf of the market committee where the amount or value of such contract or agreement does not exceed rupees two thousand; and

(iii) in any case other than those referred to in clauses (i) and (ii), a contract or agreement on behalf of the market committee shall be executed by the Chairman, the Secretary, and one other member of the market committee, who shall have been generally or specially authorised by a resolution of the committee to do so.

(3) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the person or persons authorised to do so under the provisions of sub-section (2).

(4) No contract other than a contract executed as provided in sub-sections (1), (2) and (3) shall be valid or binding on the market committee.

(5) Where a contract or agreement is entered into on behalf of a market committee, the Secretary of the market committee shall report the fact to the market committee at its meeting convened on any date next after the date of the entering into of such contract or agreement.

56. *Powers, functions and duties of the Secretary.*— Subject to the powers of the Chairman under section 46 and the other provisions of this Act or the rules, the Secretary shall be the chief executive officer of the market committee, and shall exercise and perform the following powers and duties, in addition to such other duties as may be specified in this Act, the rules or bye-laws, namely :—

(i) convene the meetings of the market committee and of the sub-committees, if any, and maintain the minutes of the proceedings thereof ;

(ii) attend the meeting of the market committee and of every sub-committee and take part in the discussion but shall not move any resolution or vote at any such meeting ;

(iii) take action to give effect to the resolutions of the committee and of the sub-committees, and report about all actions taken in pursuance of such resolutions, to the committee, as soon as possible ;

(iv) furnish to the market committee such returns, statements, estimates, statistics and reports as the market committee may from time to time require including reports,—(*a*) regarding the fines and penalties levied on, and any disciplinary action taken against the members of the staff and the market functionaries and others, (*b*) regarding over—trading by traders ; (*c*) regarding contraventions of the Act, the rules, the bye-laws or the standing orders by any person ; (*d*) regarding the suspension or cancellation of licences by the Chairman or the Chief Marketing Officer, (*e*) regarding the administration of the market committee and the regulation of the marketing ;

(v) produce before the committee such documents, books, registers and the like as may be necessary for the transaction of the business of the committee or the sub-

(vi) exercise supervision and control over the acts of all officers and servants of the committee ;

(vii) collect fees and other moneys leviable by or due to the market committee ;

(viii) be responsible for all moneys credited to or received on behalf of the market committee ;

(ix) make disbursements of all moueys lawfully payable by the market committee ;

(x) report to the Chairman and the Chief Marketing Officer as soon as possible in respect of fraud, embezzlement, theft or loss of market committee funds or property ;

(xi) prefer complaints in respect of prosecutions to be launched on behalf of the market committee and conduct proceedings, civil or criminal, on behalf of the market committee.

57. *Acts of market committee, etc., not to be invalidated.*—No act of a market committee, or of any sub-committee thereof, or of any person acting as a member, Chairman, Vice-Chairman, presiding authority or Secretary shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such market committee, sub-committee, member, Chairman, Vice-Chairman, presiding authority or Secretary or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the committee or of the sub-committee was not given duly or by reason of such act having been done during the period of any vacancy in the office of the Chairman, Vice-Chairm , or Secreta or member of such committee or

CHAPTER V

STAFF OF THE MARKET COMMITTEES

58. *Appointment of Secretary and technical staff to the market committee.*—(1) Every market committee shall have a Government servant as the Secretary appointed by the State Government or by an officer or authority authorised by the State Government in that behalf.

(2) A market committee may also have a Government servant as an Assistant Secretary or such number of Assistant Secretaries as may be determined by the Chief Marketing Officer, appointed by the State Government or an officer or authority authorised by it in that behalf.

(3) The accounts and audit staff of every market committee shall consist of Government servants appointed by the State Government or by an officer or authority authorised by it in that behalf.

(4) There may be an Engineer and other subordinate staff under him for a group of such number of market committees as the State Government may, considering the importance and the work in such market committees, by general or special order determine.

(5) All the officers specified under sub-sections (1), (2), (3) and (4) shall be the servants of the State Government. They shall draw their salary and allowances from the Consolidated Fund of the State. The conditions of service of such officers and staff shall save as otherwise provided in section 59 be such as may be determined by the State Government.

59. *Absorption of certain staff of market committees in Government service.*—(1) Officers and servants of market committees (by whatever name called) holding the classes of posts specified in sub-sections (1), (2) and (3) of section 58 on the twenty-fourth day of February 1966 and continuing to hold such posts on the date immediately

prior to the date of commencement of this Act, shall, with effect from the date of such commencement, become officers and servants of the State Government.

Explanation :—The State Government shall determine the designations of the officers and servants of the market committees who shall become officers and servants of the State Government under this sub-section.

(2) The officers and servants of market committees who become officers and servants of the State Government under sub-section (1), shall hold their office by the same tenure, at the same remuneration and upon the same terms and conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and such matters as they would have held the same under the market committee concerned and shall continue to do so until their remuneration, terms and conditions of service including the privileges as to pension, provident fund and gratuity are altered by rules or other provisions made under Article 309 of the Constitution, and any such alteration shall have effect, notwithstanding anything contained in any contract or law for the time being in force.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force or in any contract the transfer of the services of any officer or servant of a market committee by virtue of sub-section (1) shall not entitle any such officer or servant to any compensation or payment under that Act or other law or contract, and no such claim shall be entertained by any court, tribunal or other authority.

60. *Withdrawal of Secretary from office.*—The Secretary of the market committee shall be transferred from that office by the Chief Marketing Officer if at a meeting of the market committee called for the purpose, not less than three-fourths of the total number of members of the market committee vote for such transfer.

61. *Power of market committee to employ other staff.*—(1) Subject to such conditions as may be provided in the rules, the market committee may employ such officers and servants other than those specified under section 58, as may be necessary for the management and regulation of the market and for transacting the affairs of the market committee and may pay such officers and servants such salaries as the market committee may determine.

(2) The market committee may also in the case of any of its officers and servants appointed under sub-section (1) provide for them such leave, allowances, pension and gratuities as may be provided in the bye-laws and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the market committee may create temporary posts for a period not exceeding four months and make appointments thereto subject to the condition that the maximum monthly pay of such posts shall not exceed one hundred and twenty rupees.

62. *Mysore State Marketing Service.*—Notwithstanding anything in this Act, or the rules, the State Government may, by notification, constitute any class of officers or servants employed for the purposes of this Act into a Marketing Service for the State to be designated as "The Mysore State Marketing Service".

CHAPTER VI

Powers and Duties of Market Committees

63. *Powers and duties of market committee.*—(1) Subject to the provisions of this Act, it shall be the duty of a market committee,—

(i) to implement the provisions of this Act, the rules and bye-laws made thereunder in the market area;

(ii) to provide such facilities for marketing of agricultural produce therein as the State Government may from time to time direct ;

(iii) to do such other acts as may be required in relation to the superintendence, direction and control of markets or for regulating marketing of agricultural produce in any place in the market area, and for purposes connected with the matters aforesaid,

and for that purpose may exercise such powers and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provision,—

(*a*) a market committee shall—

(i) maintain and manage the yards ;

(ii) provide the necessary facilities for the marketing of agricultural produce in the yards and outside the markets and sub-markets in the market area ;

(iii) grant or refuse licences to market functionaries and renew, suspend or cancel such licences ;

(iv) supervise the conduct of the market functionaries ;

(v) regulate the opening, closing and suspending of trading in the yards ;

(vi) enforce the conditions of the licences ;

(vii) regulate the making, carrying out and enforcement or cancellation of agreements of sales, the weighment, delivery, payment and all other matters relating to the marketing of notified agricultural produce ;

(viii) provide for the settlement of all disputes between the seller and the buyer arising out of any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto ;

(ix) collect, maintain and disseminate information in respect of production, sale, storage, processing, prices and movement of notified agricultural produce ;

(x) take all possible steps to prevent adulteration of goods and promote grading and standardization of the notified agricultural produce ;

(xi) take measures for maintenance of market stability, by prevention of over-trading and thus decreasing the local risk attendant upon the business of selling and buying notified agricultural produce ;

(xii) levy, take, recover and receive rates, charges, fees and other sums of money to which the market committee is entitled ;

(xiii) employ the necessary number of officers and servants for the efficient implementation of the provisions of this Act, the rules and the bye-laws ;

(*b*) a market committee may—

(i) regulate the entry of persons and vehicular traffic into the yard ;

(ii) prosecute persons for violating the provisions of this Act, the rules and the bye-laws and compound such offences ;

(iii) acquire, hold and dispose of any moveable or immoveable property for the purpose of efficiently carrying out its duties ;

(iv) impose penalties on persons who contravene the provisions of this Act, the rules or the bye-laws or the orders or directions issued under this Act, the rules or the bye-laws by the market committee, its Chairman or by any officer duly authorised in this behalf :

(v) institute or defend any suit, action, proceeding, application or arbitration and compromise

such suit, action, proceeding, application or arbitration ;

(vi) provide facilities such as provision of adequate space for direct sales by a producer and assist a producer by preparing invoices and bills on his behalf when he sells his produce to a trader without employing a commission agent.

64. *Appointment of sub-committees and delegation of powers.*—The market committee may appoint one or more sub-committees consisting of one or more of its members for reporting or giving opinion on any matter or it may subject to such restrictions and conditions as may be specified in the bye-laws, delegate to any such sub-committee such of its powers or duties as it may think fit.

65. *Levy of market fees.*—(1) The market committee shall levy and collect market fees from the buyer in respect of agricultural produce bought by,—

(i) any trader or other person in the yard ; and

(ii) any trader outside the market or sub-market in the market area,

at such rate as may be specified in the bye-laws (which shall not be more than thirty paise per one hundred rupees of the price of the agricultural produce) in such manner and at such times as may be specified in the bye-laws.

(2) For purposes of sub-section (1), all notified agricultural produce leaving a yard shall, unless the contrary is proved, be presumed to have been bought within such yard by the person in possession of such produce.

66. *Power to order production of accounts and power of entry, inspection and seizure.*—(1) Any officer or servant of the market committee empowered by the State Government in this behalf, may, for purposes of this Act, require any person carrying on business in any kind of

notified agricultural produce to produce before him the accounts and other documents and to furnish any information relating to the stocks of such agricultural produce, or purchases, sales and deliveries of such agricultural produce by such person and also any other information relating to payment of the market fees by such person.

(2) All accounts and registers maintained by any person in the ordinary course of business in any notified agricultural produce and documents relating to the stock of such agricultural produce or purchases, sales and deliveries of such agricultural produce in his possession and the offices, establishments, godowns, vessels or vehicles of such person shall be open to inspection at all reasonable times by such officers and servants of the market committee as may be authorised by the State Government in this behalf.

(3) If any such officer or servant has reason to suspect that any person is attempting to evade the payment of any market fee due from him under section 65, or that any person has purchased any notified agricultural produce in contravention of any of the provisions of this Act or the rules, or the bye-laws in force in the market area, he may for reasons to be recorded in writing, seize such accounts, registers or documents of such person as may be necessary, and shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination thereof or for a prosecution.

(4) For purposes of sub-section (2) or sub-section (3), such officer or servant may enter or search any place of business, warehouse, office, establishment, godown, vessel or vehicle where such officer or servant has reason to believe that such person keeps or for the time being keeps any accounts, registers or documents of his business, or stocks of notified agricultural produce relating to his business.

(5) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to a search under sub-section (4).

(6) Where any books of account or other documents are seized from any place and there are entries therein making reference to quantity, quotations, rates, receipt or payment of money or sale or purchase of goods, such books of account or other documents shall be admitted in evidence without witness having to appear to prove the same; and such entries shall be *prima facie* evidence of the matters, transactions and accounts purported to be therein recorded.

67. *Power to stop vehicles, etc.*—(1) At any time when so required by any officer or servant of a market committee empowered in this behalf by the State Government, the driver or any other person in charge of any vehicle, vessel or other conveyance, which is taken or proposed to be taken out of the market area shall stop the vehicle, vessel or other conveyance, as the case may be, and keep it stationary as long as may reasonably be necessary, and allow such officer or servant to examine the contents in the vehicle, vessel or other conveyance and inspect all records relating to the notified agricultural produce carried, and give his name and address and the name and address of the owner of the vehicle, vessel or other conveyance and of the owner of the notified agricultural produce carried in such vehicle, vessel or other conveyance.

(2) The officer or servant of the market committee empowered under sub-section (1) shall have power to seize any notified agricultural produce taken or proposed to be taken out of the market area in any vehicle, vessel or other conveyance, if such officer or servant has reason to believe that any fee or other amount due under this Act in respect of such produce has not been paid. Such seizure shall forthwith be reported by the officer or servant aforesaid to a magistrate having jurisdiction to try the offence under this Act and the provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898, shall, so far as may be, apply in relation to the notified agricultural produce seized as aforesaid as they apply in relation to property seized by a police officer.

68. *Power to borrow.*—(1) A market committee may with the previous sanction of the State Government raise money or issue debentures required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(2) The market committee may, for the purpose of meeting the initial expenditure on lands, buildings, staff and equipment required for establishing the market, obtain a loan from the State Government.

(3) The conditions subject to which such money or loan shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the State Government.

69. *Acquisition of lands.*—(1) If at any time after a notification is issued under section 4, the market committee or the State Government is of opinion that any land is needed for the purposes of this Act, the State Government may, proceed to acquire it under the provisions of the Land Acquisition Act, 1894:

Provided that once a proposal is made by the market committee it shall not be withdrawn by it except for such reasons as may be approved by the State Government.

(2) When such land vests in the State Government, it shall be transferred by the State Government to the market committee on payment by the market committee of the compensation awarded under the Land Acquisition Act, 1894, within such period and in such manner as the State Government may, by general or special order, determine, and on such transfer, the land shall vest in the market committee.

70. *Composition of offences.*—(1) The market committee may accept from any person who has committed or is reasonably suspected of having committed an offence (other than such offences as may be prescribed)

against this Act or the rules or bye-laws, by way of composition of such offence,—

(*a*) where the offence consists of the failure to pay or the evasion of any fee, or other amount recoverable under this Act or the rules or the bye-laws, in addition to the fee or other amount so recoverable, a sum of money not exceeding five hundred rupees or double the amount of the fee or other amount whichever is greater ; and

(*b*) in other cases, a sum of money not exceeding five hundred rupees.

(2) On the composition of any offence under sub-section (1), no proceeding shall be taken or continued against the person concerned in respect of such offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the composition shall have the effect of his acquittal.

71. *Power to write off irrecoverable fee, etc.*— A market committee may write off any fee or other amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in connection therewith, if in its opinion, such fee, or amount is irrecoverable :

Provided that the market committee shall, before writing off any such fee, or amount obtain the sanction of—

(i) the Chief Marketing Officer, if the fee or amount exceeds one hundred rupees, but does not exceed such amount as may be prescribed, and

(ii) the State Government, if such fee or amount exceeds the amount so prescribed.

CHAPTER VII

Regulation of Trading

72. *Grant of licences.*—(1) Subject to the provisions of this Act and the rules made in this behalf, a market committee may, after making such inquiries as it deems fit,

grant or renew a licence for the use of any place in the market area for the sale of the notified agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or any other market functionary in relation to the marketing of agricultural produce; or may, after recording its reasons in writing therefor, refuse to grant or renew any such licence.

(2) Licences may be granted under sub-section (1), in such forms, for such periods on such terms and conditions and restrictions (including provision for prohibiting brokers and commission agents from acting in any transaction both as buyer or seller, or on behalf of both the buyer and seller, and also provision for prohibiting brokers from acting in any transaction, except between a trader and trader in respect of such agricultural produce as may be prescribed, for prescribing the qualifications and disqualifications of licensees, the circumstances in which licences may be refused, suspended or cancelled and prescribing the manner in which and the places at which auctions of agricultural produce shall be conducted and the delivery of agricultural produce shall be made in any market or market area) and on payment of fees not being in excess of such maxima, as may be prescribed.

(3) The market committee or its Chairman, if so authorised by the committee, may grant a temporary licence for a period of not more than one month to any trader not ordinarily resident in the market area to operate in the market yard or sub-yard on payment of such fee as may be fixed by the market committee subject to the condition that he shall not purchase any agricultural produce except by payment of the price in cash.

73. *Power to cancel or suspend licences.*—(1) Subject to the provisions of sub-section (4), a market committee may, for reasons to be recorded in writing, suspend or cancel a licence—

(*a*) if the licence has been obtained through wilful misrepresentation or fraud;

(*b*) if the holder thereof or any servant or any one acting on his behalf with his express or implied permission, commits a breach of any of the terms or conditions of the licence ;

(*c*) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with the intention of wilfully obstructing, suspending or stopping the marketing of agricultural produce in the market area, in consequence whereof the marketing of any produce has been obstructed, suspended or stopped ;

(*d*) if the holder of the licence has become an insolvent ;

(*e*) if the holder of the licence incurs any disqualification as may be prescribed ; or

(*f*) if the holder is convicted of any offence under this Act.

(2) (*a*) Subject to the provisions of sub-section (4), the Chairman of a market committee may, for reasons to be recorded in writing, suspend a licence for a period of not more than one month for any reason for which a market committee may suspend a licence under sub-section (1).

(*b*) Subject to the provisions of sub-section (4), the Secretary of a market committee may, for reasons to be recorded in writing, suspend a licence for a period of not more than one week for any reason for which a market committee may suspend a licence under sub-section (1).

(3) Notwithstanding anything contained in sub-section (1), but subject to the provisions of sub-section (4), the Chief Marketing Officer may, for reasons to be recorded in writing, by order suspend or cancel any licence granted or renewed under this Chapter :

Provided that no order under this sub-section shall be made without notice to the market committee.

(4) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a

reasonable opportunity to show cause against such suspension or cancellation.

74. *Appeal.*—(1) Any person aggrieved by order—

(*a*) of the market committee refusing to grant or renew a licence, or cancelling a licence, or suspending any licence may, within thirty days from the date on which the order is communicated to him, appeal to the Chief Marketing Officer ;

(*b*) of the Chairman or Secretary suspending any licence may, within seven days from the date on which the order is communicated to him, appeal to the market committee ;

(*c*) of the Chief Marketing Officer cancelling or suspending a licence may, within thirty days from the date on which the order is communicated to him, appeal to the Co-operative Appellate Tribunal.

(2) The Chief Marketing Officer, the market committee or the Co-operative Appellate Tribunal, as the case may be shall, on such appeal, make such order as he or it deems just and proper.

75. *Payment of price.*—Subject to such deductions, if any, as are authorised to be deducted according to this Act or the rules or the bye-laws or under any other law for the time being in force, by way of—

(i) fees,
(ii) market charges,
(iii) taxes, and
(iv) the advances, if any, on the goods made and evidenced by authentic vouchers with interest, if any, due thereon,

the price of the goods sold in the yard and outside the market or the sub-market in the market area shall be paid to the seller by the buyer in cash immediately after the sale except in a case where a commission agent agrees in writing, in the form prescribed by the bye-laws, to give

delivery to the buyer on credit of a term which shall in no case exceed the maximum period of credit prescribed by the bye-laws.

76. *Sale of agricultural produce.*—The sale price of notified agricultural produce sold in the market area shall be determined either by tender system or by public auction or by open agreement or by sample or by reference to a known standard or in such other manner as may from time to time be directed, with the previous approval of the Chief Marketing Officer, by the market committee.

77. *Agreement of sale.*—Every licensed trader who buys notified agricultural produce shall at such time enter into a written agreement with the seller in such form as may be prescribed by the bye-laws. The agreement shall be executed in triplicate, of which one copy shall be retained by the buyer, one copy shall be retained by the seller and the third copy shall be submitted to the market committee for record.

78. *Commission agents' commission and responsibility.*—(1) No commission agent shall be entitled to charge commission to any person other than his principal, and such commission shall not exceed the rate prescribed in the bye-laws, which shall not be more than one and a half per cent of the price for which the agricultural produce of the principal is sold, for the services rendered to his principal including the facilities provided by the commission agent for the storage of the goods of the principal.

(2) Every commission agent shall be liable—

(*a*) to keep the goods of his principal in safe custody and adequately insured against fire without any charge other than the commission payable to him under sub-section (1); and

(*b*) to pay the principal, as soon as the goods are sold, the price thereof, irrespective of whether he has or has not received the price from the buyer of such goods.

79. *Prohibition of certain collections.*—(1) No market functionary shall solicit or receive remuneration for his services by way of commission, fees, charges or in any other form except as prescribed by the rules or bye-laws.

(2) No commission agent and no other market functionary shall solicit or receive, recover or collect market charges or fees or taxes from any person other than those permissible under this Act or the rules or bye-laws or under any other law for the time being in force.

(3) No market functionary shall solicit, receive, recover or collect any contribution in cash or in kind for any function, or for any religious, educational or charitable purpose from a producer or seller with whom he operates as a market functionary.

80. *No deductions in weight or payment other than those specified.*—(1) No market functionary and no other person shall make, give, allow, receive or recover any deductions in weight or payment or any other allowance in respect of any transaction relating to notified agricultural produce other than those provided in this Act, the rules or the bye-laws; and no civil court shall, in any suit or proceeding arising out of any such transaction, entertain or allow any claim for any deduction or allowance not so provided for.

(2) For the purpose of sub-section (1), the following deductions shall be deemed to be permissible deductions, namely:—

(i) deduction of the weight of the container where the price fixed according to the bye-laws or the standing orders of the market committee relates only to the goods contained in the container and either a separate price is fixed for the container or the container is to be retained by the seller or the container is made of such material and is of so negligible value that it is permitted to be delivered to the buyer without payment of any price in accordance with the bye-laws or the standing orders of the market committee;

(ii) deduction in weight on account of driage of raw produce as shall be fixed by the bye-laws or standing orders of the market committee, where according to such bye-laws or the standing orders, the produce is required to be weighed and the weight recorded as soon as it is entrusted to the commission agent for sale and there is no likelihood of the produce being sold on the same day on which it is so entrusted ;

(iii) deduction in weight or price, on account of deviation from sample or known standard, made in accordance with the decision of the authority entrusted with settlement of disputes under this Act, where the purchase is made by sample or by reference to a known standard ;

(iv) deduction in weight or price, on account of the detection of adulteration not readily detectable on customary examination, made in accordance with the decision of the authority entrusted with settlement of disputes under this Act.

(3) The Chief Marketing Officer shall ensure that deductions under clause (i) of sub-section (2) are uniform in all the market areas in the State in respect of similar types of containers and that deductions under clause (ii) of sub-section (2) do not materially vary in markets located in areas with similar climatic conditions.

81. *Reports by market functionaries.*—Every licensed trader, commission agent, ginner, presser, processer, warehouseman, importer, exporter, stockist and any other market functionary operating in the market area shall maintain accounts in such manner and submit to the market committee or to the officer specified by the committee in this behalf such periodical reports and returns at such times and in such forms as may be prescribed by the rules or bye-laws or as the market committee may by standing orders from time to time direct.

82. *Assistance by the market functionaries.*—Every market functionary shall render such assistance in the collection and the prevention of the evasion of payment

of fees or other amounts due under this Act, the rules and the bye-laws, and in the prevention of the breach of the provisions of this Act, the rules and the bye-laws, as may be required by the market committee.

83. *Production of account books, etc., by market functionaries.*—(1) If any market functionary fails to send any report or return in accordance with the provisions of section 81, or if the committee considers it necessary to examine the account books relating to the business of any market functionary to satisfy itself about the correctness of any report or return submitted by him or for any other sufficient reason, the market committee may direct such functionary to produce before it or before any officer specified by it in this behalf, the account books and other relevant books and documents, for inspection, and to explain the contents thereof.

(2) If any market functionary fails, without sufficient cause to comply with the direction of the market committee under sub-section (1), the market committee may without prejudice to any other action against such functionary, after such inquiry as may be prescribed, direct him to pay such amount as may be prescribed by the bye-laws as penalty to the committee.

84. *Provision for settlement of disputes.*—(1) For the purpose of settling disputes between producers, buyers and sellers, or their agents, including any disputes regarding the quality or weight of, or payment for, any agricultural produce, or any matter in relation to the regulation of marketing, of agricultural produce in the market area, the market committee of that area shall appoint a panel of arbitrators periodically consisting of agriculturists, traders and commission agents, and constitute a Disputes Committee from among its members in such manner as may be prescribed.

(2) Rules shall be made regulating the procedure for settlement of disputes, the authority or authorities for settling the disputes and appeals from the decisions of such

authorities, payment of fees by parties for settlement of disputes, by an arbitrator or arbitrators and all other matters connected with such settlement including the extent to which the provisions of the Arbitration Act, 1940, shall be applicable to arbitrations under this section.

(3) Subject to the rules made under sub-section (2), a market committee may make bye-laws regulating the details in respect of settlement of disputes relating to transactions in notified agricultural produce in the market area.

(4) Notwithstanding anything contained in any law, no suit or other legal proceeding shall be entertained by any court in respect of disputes referred to in sub-section (1), without the previous sanction of the market committee.

85. *Traders and security for trading.*—(1) Traders licensed to operate in a market area shall be classified into the following four categories, namely :—

(i) Traders entitled subject to the provisions of section 8, to purchase notified agricultural produce anywhere in the market area, called 'A' Class traders ;

(ii) Traders entitled to purchase notified agricultural produce only in the yard or yards in the market area, called 'B' Class traders ;

(iii) Traders entitled to purchase notified agricultural produce only outside the market or markets in the market area, called 'C' Class traders ;

(iv) Traders entitled subject to the provisions of section 8, to purchase notified agricultural produce anywhere in the market area for sale to consumers for domestic purposes, and whose total annual purchase turnover in such agricultural produce does not exceed fifteen thousand rupees, called 'D' Class traders.

(2) No trader shall buy or take delivery of any goods from any commission agent on credit and no trader's licence shall be granted to any person who intends to buy or take delivery of goods from commission agents on credit

unless he has deposited with or furnished to the market committee cash security or a bank guarantee of at least—

(i) one thousand and five hundred rupees if he is a 'A' Class trader;

(ii) one thousand rupees if he is a 'B' Class trader;

(iii) five hundred rupees if he is a 'C' Class trader; and

(iv) one hundred rupees if he is a 'D' Class trader.

(3) No licensed trader shall buy or take delivery of goods from licensed commission agents in the market area so as to remain indebted to such agents on account of the purchases of goods to such an extent as the security or guarantee deposittd or furnished by him falls short of such percentage as shall be provided in the bye-laws which shall not be less than one per cent of the aggregate amount of the indebtedness arising out of such credit purchases.

86. *Security by commission agents.*—(1) No person shall act as a commission agent and no commission agent's licence shall be granted to any person unless he has deposited with or furnished to the market committee cash security or a bank guarantee of at least five hundred rupees.

(2) No licensed commission agent shall remain indebted to his principals in respect of the sums payable to them as a result of the sale of their goods entrusted to such commission agent for sale, to such an extent as the security or guarantee deposited or furnished falls short of such percentage as shall be provided in the bye-laws which shall not be less than one per cent of the aggregate amount of the indebtedness arising out of such sales.

87. *Deposit of cash security in Bank.*—The cash security deposited by a trader or commission agent shall not form part of the Market Fund but shall be deposited by the market committee in such bank situated in the place where the office of the market committee is located, as the trader or commission agent may specify. The amount of security shall be deemed to have been enhanced to the

extent of the interest credited by the bank in respect of the security held in deposit.

88. *Charge on security and refund of security deposit*—(1) The security deposited or a bank guarantee furnished by a licensee under section 85 or 86 shall be liable to forfeiture by the market committee for any default made by the licensee in payment of any money payable by him to the market committee or to any other market functionary under this Act or the rules or bye-laws made thereunder.

(2) The security deposited or a bank guarantee furnished by a licensee under section 85 or 86 shall be subject to a first charge in favour of the market committee for all sums due to the committee by the licensee.

(3) (*a*) The security deposited or a bank guarantee furnished by a trader shall be subject to a second charge in favour of such of the commission agents as the trader shall be indebted to in respect of the credit purchases, for the total amount of such indebtedness.

(*b*) The security deposited or a bank guarantee furnished by a commission agent, shall be subject to a second charge in favour of such of the principals as the commission agent shall be indebted to in respect of the sales of their goods, for the total amount of such indebtedness.

(4) The bank guarantee furnished by the licensee under section 85 or 86 shall be unconditional and the amount guaranteed by the bank or part thereof as the market committee may demand shall be payable to the market committee on demand. No other kind of bank guarantee shall be accepted by the market committee under sections 85 and 86.

(5) Subject to the provisions of this Act and the rules and bye-laws, the cash security deposit made by any trader or commission agent with the market committee shall be refunded to him within twelve months from the date of his ceasing to be a licensee, if the market committee is satis-

fied that there are no liabilities due by the depositor either to the market committee or to any of the creditors who have a second charge on such deposit in respect of the transactions for which the security is deposited.

(6) The security amount deposited or bank guarantee furnished shall be deemed to be held in trust for the purposes for which it is made and shall not be used or utilised for any purpose of the market committee, nor shall it be liable to levy of attachment or execution by any court or other authority for any other purpose.

(7) The market committee may make bye-laws to carry out the purposes of sub-sections (1), (2), (3), (4) and (5).

89. *Power of committee and Chairman to impose penalties.*—(1) A market committee and its Chairman shall have the power by order to impose the penalties of censure and fine on any market functionary or producer for contravention of any bye-law, after giving the person concerned a reasonable opportunity to be heard :

Provided that the market committee shall not be competent to impose fine exceeding twenty-five rupees and the Chairman shall not be competent to impose fine exceeding five rupees.

(2) An appeal against an order under sub-section (1) shall lie to the Chief Marketing Officer or such officer subordinate to him as he may specify, within such period as may be prescribed.

CHAPTER VIII

The Market Fund.

90. *Market Fund, its custody and investment.*—(1) Save as provided in sub-section (2), all moneys received by a market committee by way of market fees, licence fees or other fees or charges, all moneys realised by way of penalty, all loans raised by the committee, and all grants,

loans or contributions made by the State Government to the committee shall form part of a fund to be called the Market Fund.

(2) Save as otherwise provided in this Act, any money received by the market committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the committee by way of security or contributory provident fund and such other moneys received by the committee as may be provided in the rules or bye-laws shall not form part of the Market Fund, and shall be kept in such manner as may be prescribed.

(3) Save as otherwise provided in this Act, the amount to the credit of the market fund and all other moneys received by the market committee shall be kept or invested—

(*a*) in a Co-operative District Central Bank approved by the Registrar of Co-operative Societies ; or

(*b*) in a Government Savings Bank ; or

(*c*) in a Scheduled Bank, where there is no bank specified in clause (*a*) or a branch thereof, at the town or village where the office of the market committee is located ; or

(*d*) in any of the Central or State Government securities with the previous approval of the Chief Marketing Officer.

91. *Contribution to the Consolidated Fund of the State.*—(1) The Chief Marketing Officer shall before the end of January in every year, estimate the probable expenditure likely to be incurred by the State Government during the ensuing financial year on account of—

(i) the salary and other allowances and the leave salary and pension contribution in respect of the services of the Government servants appointed or to be appointed as officers and servants under section 58 in respect of all the market committees in the State ; and

(ii) general elections and by-elections of the members of the market committees in the State.

He shall also on the basis of the receipts of the previous year estimate the probable gross receipts by way of market fees and licence fees of all the market committees in the State for the ensuing financial year for meeting such expenditure during the said financial year.

(2) Taking into consideration the estimates made under sub-section (1), the Chief Marketing Officer shall by order determine the uniform percentage of the gross receipts that every market committee shall have to contribute to the Consolidated Fund of the State during the ensuing financial year for meeting the expenses referred to in sub-section (1), and send a copy of the order to every market committee.

(3) Every market committee in the State shall pay to the State Government before the fifteenth of every month in such manner as may be prescribed, such percentage of its gross receipts during the preceding month by way of market fees and licence fees, as has been notified by the Chief Marketing Officer under sub-section (2), from the first day of April of the financial year in respect of which the percentage has been determined.

Explanation.—For purposes of this section and section 92, gross receipts in respect of market fees shall include the amount paid to the market committee under sub-section (3) of section 97 and gross receipts in respect of licence fees shall exclude the amounts paid to the Panchayats under sub-section (1) of section 98.

92. *Contribution to State Agricultural Marketing Board.*—Every market committee in the State shall pay to the State Agricultural Marketing Board before the fifteenth of every month, in such manner as may be prescribed, five per cent of its gross receipts during the previous calendar month, by way of market fees and licence fees.

93. *Purposes for which the market fund shall be expended.*—Subject to the provisions of sections 91 and 92

and the other provisions of this Act, the rules and the bye-laws, the market committee fund shall be expended for meeting the expenses relating to—

(i) the obligatory and discretionary duties and functions of the market committee under this Act ;

(ii) the pay, leave allowances, pensions, gratuities and provident fund of the officers and servants employed by it ;

(iii) the payment of interest on the loans, if any, raised by the market committee and the provision of sinking funds in respect of such loans ;

(iv) payment of honorarium, allowances and travelling allowances to the Chairman, Vice-Chairman and other members of market committee ;

(v) payment of fees and travelling allowances of arbitrators appointed under section 84 ; and

(vi) any other purpose within the scope of this Act as may be prescribed in the bye-laws.

94. *Honorarium and travelling allowances to the Chairman.*—(1) The market committee shall pay to the Chairman of the market committee an honorarium of not more than two hundred and fifty rupees per month, as the market committee may determine, provided that the amount payable during any market year being not more than five per cent of the gross receipts by way of market fees and licence fees during the preceding market year.

(2) The Chairman of a market committee shall be entitled to such travelling allowances as may be prescribed by the bye-laws :

Provided that a Chairman whose permanent residence is beyond ten kilometres from the place where the office of the market committee is located, shall not be entitled to travelling allowance for journeys from his residence to the office of the market committee on more than five occasions during a calendar month :

Provided also that a Chairman whose permanent residence is not beyond ten kilometres from the place where the office of the market committee is located shall not be entitled to travelling allowance for journeys from his residence to the office of the market committee.

(3) If the Chairman is absent from the market area with the leave of the market committee for purposes unconnected with the affairs of the market committee, the Chairman shall not be entitled to an honorarium for such period of absence, and the Vice-Chairman or any other member performing the functions of the Chairman during such period of leave shall be entitled to draw the honorarium for such period.

95. *Manner of preparing budget, etc.*—The manner in which any payment from the Market Fund shall be made, its accounts shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be prescribed by rules made in that behalf.

CHAPTER IX

Special Commodity Markets

96. *Establishment of independent markets and market committees for special commodities.*—(1) Where after such survey of an unregulated market of cattle, sheep, fish, fruits or any other special commodity notified by the State Government, in any area, the State Government is satisfied that on account of—

(i) the nature of assemblage or storage of such commodity ;

(ii) the problem of marketing such commodity ;

(iii) the technique and special features of trading in such commodity ; and

(iv) the incompatibility of combining the regulation of trade in such commodity with that of other agricultural produce,—

the existing market committee or committees functioning in such area is or are unable to or cannot possibly provide facilities for the regulated trading in such commodity, and that—

(*a*) there are facilities for organised trading in such commodity in such area ;

(*b*) the volume of trading in such commodity in such area is fairly large ;

(*c*) the benefits to the producers and the probable income to the market committee by separately regulating the trade in that commodity alone would be commensurate with the efforts involved in, and sufficient for discharging the duties and responsibilities of, such regulation ; and

(*d*) the trading in such commodity in such area can be efficiently regulated only if an independent market and a separate market committee for the purpose are established it may take the necessary steps for the establishment of an independent market and market committee for the purpose, in the manner provided in this Act, notwithstanding that such area falls within the jurisdiction of any market committee or committees already functioning and exercising regulation of marketing of any other commodity or commodities.

(2) When a separate market is established under this Chapter, the State Government may by notification declare that the provisions of this Act shall, with such modifications, as may be specified in the notification, apply in respect of such market.

(3) Subject to any modification notified under subsection (2), the provisions of this Act shall *mutatis mutandis* apply to the market areas and the market committees established in pursuance of the provisions of this Chapter.

CHAPTER X

PANCHAYATS AS AGENTS OF MARKET COMMITTEES

97. *Panchayats as agents of market committees.*—(1) Subject to such rules as may be prescribed, a market committee may with the consent of any panchayat having jurisdiction within the market area, appoint such panchayat as the agent of the market committee, for exercising such powers, performing such duties inclusive of any of the powers and duties relating to the sub-markets and the sub-market yards of the market committee in the area of such panchayat, subject to such conditions, including the condition that the powers and duties entrusted by way of agency shall be subject to the control and supervision of the market committee and of the officer or officers generally or specially empowered by the market committee in that behalf, as may be prescribed by the bye-laws.

(2) The power entrusted to a panchayat under sub-section (1) shall include the power to levy and collect market fees under section 65, and the goods in respect of which such fees are payable shall not be removed from the place of purchase unless the fees are paid to the panchayat.

(3) Such percentage not exceeding seventy-five per cent of the market fees collected by a panchayat as may be determined by the market committee taking into consideration the extent of powers and duties entrusted to the panchayat, shall be retained by the panchayat and credited to the Panchayat Fund, and the balance shall be paid to the market committee.

98. *Grants and loans to panchayats.*—(1) The market committee shall pay annually to every panchayat entrusted with powers and duties under section 97, a sum equal to seventy-five per cent of the licence fees collected from market functionaries operating exclusively in the area under the jurisdiction of such panchayat.

(2) A market committee may give initial financial assistance by way of loan without interest to a panchayat entrusted with powers and duties under section 97, repayable at such times and in such instalments as may be agreed upon between the market committee and the panchayat.

99. *Effect of entrustment of powers and functions to panchayats.*—Notwithstanding anything contained in the Mysore Village Panchayats and Local Boards Act, 1959, a panchayat shall be competent to exercise the powers and perform the duties entrusted to it under sub-section (1) of section 97, in such manner as may be prescribed.

CHAPTER XI

State Agricultural Marketing Board

100. *State Agricultural Marketing Board.*—(1) With effect from such date as the State Government may by notification appoint in this behalf, there shall be established for the State of Mysore a Board called the Mysore State Agricultural Marketing Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and subject to such restrictions as are imposed by or under this Act or any other enactment, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and disposing of, moveable or immoveable property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

101. *Composition of the State Marketing Board.*—(1) The Board shall consist of the following members namely :—

(i) The Minister of the State in charge of agricultural produce marketing who shall be the *ex-officio* Chairman of the Board ;

(ii) One person from each revenue district of the State who shall be a Chairman of a market committee in the district elected in the prescribed manner by an electorate consisting of the Chairmen of all market committees in such district :

Provided that where in any revenue district there are only two market committees and both the Chairmen are contesting candidates for election from such district, the person to represent the market committees on the Board shall be decided by lot to be drawn by the Returning Officer :

Provided further that where in any revenue district there is only one market committee, the Chairman of such committee shall be the member of the Board.

(2) The Board shall elect a Vice-Chairman from among the elected members.

(3) The Chief Marketing Officer shall *ex-officio* be the Secretary of the Board.

102. *Publication of the names of the elected members of the Board.*—The Chief Marketing Officer shall publish in the prescribed manner the names of the members elected under clause (ii) of sub-section (1) of section 101.

103. *Determination of the validity of election.*—The provisions of sections 20 to 25 (both inclusive) shall *mutatis mutandis* be applicable for the determination of the validity of an election under clause (ii) of sub-section (1) of section 101, subject to the modification that the judicial officer empowered to determine the dispute shall be the District Judge having jurisdiction over the district concerned.

104. *Cessation of membership of elected members of the Board.*—A member elected under clause (ii) of sub-section (1) of section 101 shall cease to be a member of the Board if he ceases to be a member of the electorate of Chairmen of the market committees concerned.

105. *By-election.*—If the seat of any elected member becomes vacant on account of resignation or death or cessation of membership under section 104, the vacancy shall be filled up as soon as may be after the occurrence of such vacancy by the election of another person thereto.

106. *Term of office of the members of the Board.*—The elected members of the Board shall, save as otherwise provided in this Act, hold office for a period of four years.

107. *Powers and duties of the Chairman and Vice-Chairman.*—The powers and duties of the Chairman and the Vice-Chairman of the Board shall, in respect of the Board, as far as possible, be the same as are conferred and imposed on the Chairman and the Vice-Chairman of a market committee in respect of the market committees under sections 46 and 47 respectively.

108. *Conduct of business of the Board.*—The provisions of Chapter IV shall *mutatis mutandis* apply for the conduct of the business of the Board.

109. *Grants by State Government.*—*The State* Government shall for every calendar month make a grant to the Board of an amount equal to the aggregate amount paid to the Board by the market committees under section 92 during the preceding calendar month.

110. *Marketing Development Fund.*—(1) The amounts paid under sections 92 and 109 and all other receipts of the Board shall be credited to a fund called the Marketing Development Fund.

(2) All expenditure incurred by the Board shall be defrayed out of the said fund.

111. *Purposes for which the Marketing Development Fund shall be expended.*—The Marketing Development

Fund shall be utilised by the Board for the following purposes, namely :—

(i) grading and standardisation of agricultural produce ;

(ii) general improvement of the regulation of marketing in the State ;

(iii) giving aid to financially weak market committees in the form of loans and grants ;

(iv) acquisition or construction of buildings for performing the duties of the Board ;

(v) payment of the pay, pensions, leave allowances, gratuities, compensation for injuries resulting from accidents, compassionate allowances, contributions towards leave allowances, pensions or provident fund of the officers and servants employed by the Board ;

(vi) travelling and other allowances to the members of the Board ;

(vii) propaganda and publicity on matters relating to regulated marketing of agricultural produce ;

(viii) meeting any legal expenses incurred by the Board ;

(ix) imparting education in regulated marketing of agricultural produce ;

(x) training the officers and staff of the market committees in the State ; and

(xi) any other purpose of general interest to regulated marketing of agricultural produce.

112. *Functions of the Board.*—(1) The Board shall as far as possible carry out the purposes specified in section 111.

(2) The Board shall be consulted on any proposal to take action under sections 4, 5, 6, 68, 96 and 127 and it shall be the duty of the Board to advise on any matter so referred to it, and on any other matter which the State Government may refer to it.

113. *Provisions of Act and Rules to apply to the Board.*—Save as provided in this Chapter, the provisions of this Act and the rules applicable to a market committee shall *mutatis mutandis* be applicable to the Board.

CHAPTER XII

PENALTIES

114. *Penalties for evasion of payment of fee, etc.*—Any person who fraudulently evades the payment of any fee, or other amount due from him under this Act or the rules, or the regulations or bye-laws, shall, on conviction, be punished with fine which may extend to five hundred rupees, and in the case of a continuing evasion with a further fine which may extend to one hundred rupees for every day during which the evasion is continued after conviction therefor.

115. *Liability of accused to pay fee, cess, or other amount.*—Every person who is prosecuted for an offence under section 114 shall be liable, on proof to the satisfaction of the Magistrate that he wilfully omitted to pay the fee or other amount due from him under this Act or the rules or the regulations or bye-laws, to pay to the market committee the amount which may be due from him on account of such fee or other amount.

116. *Power of Magistrate to recover summarily fee, or other amount.*—Whenever any person is convicted of an offence under this Act or the rules or the regulations or bye-laws made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the market committee, or the Board, as the case may be, the amount of fee or other amount due from him under this Act or the rules or the regulations or bye-laws and may, in his discretion, also recover summarily and pay over to the market committee or to the Board such amount, if any, as he may fix as the costs of the prosecution.

117. *Penalty for contravention of section* 8.—Whoever in contravention of the provisions of clause (*b*) of sub-section (i) of section 8 uses any place in the market area for marketing any agricultural produce, or operates as a trader, commission agent, broker, processor, warehouseman or in any other capacity, without a valid licence, shall, on

conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, and in the case of a continuing contravention with a further fine which may extend to fifty rupees per day during which the contravention is continued after the first conviction..

118. *Penalty for contravention of section* 79 *or* 80.—Whoever contravenes any of the provisions of section 79 or 80 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

119. *Penalty for failure to obey order under section* 123.—Whoever obstructs any officer in carrying out the inspection of accounts or holding an inquiry into the affairs of a market committee or fails to obey any order made under clauses (*a*), (*c*), (*d*) or (*e*) of section 123 shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which the offence continues.

120. *Penalty for contravening the provisions of section* 123 *or* 124.—If any officer, servant or member of a market committee, when required to furnish information in regard to the affairs or proceedings of a market committee under section 123 or 124,—

(*a*) wilfully neglects or refuses to furnish any information, or

(*b*) wilfully furnishes false information,

he shall, on conviction, be punished with fine which may extend to five hundred rupees.

121. *Penalty for contravention of section* 125.—Whoever in contravention of the provisions of section 125 obstructs any person in seizing or taking possession of any books, records, funds and property of the market committee or fails to give delivery thereof to such person, shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

122. *General provisions for punishment of offences.*—Whoever contravenes any provision of this Act or any rule, or regulation thereunder shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

CHAPTER XIII

CONTROL

123. *Inspection, inquiry, submission of statements, etc.*—The Chief Marketing Officer or any officer authorised by him by general or special order in this behalf, may—

(*a*) inspect or cause to be inspected the accounts and offices of a market committee ;

(*b*) hold inquiry into the affairs of a market committee ;

(*c*) call for any return, statement, accounts or report which he may think fit to require such committee to furnish ;

(*d*) require a committee to take into consideration—

(i) any objection on the ground of illegality or inexpediency or impropriety which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such committee ; or

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by such committee ;

and to make a written reply to him within a reasonable time stating its reasons for doing, or not doing such thing ;

(*e*) direct that any thing which is about to be done or is being done should not be done, pending consideration of the reply, and anything which should be done but is not being done should be done within such time as he may direct.

124. *Duty of officers and members to furnish information to Chief Marketing Officer, authorised officers and State Government.*—(1) When the affairs of a market committee are investigated under section 123 or the proceedings of such committee are examined under section 126, all officers, servants and members of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the committee as the Chief Marketing Officer, officer authorised or, as the case may be, the State Government, may require.

(2) An officer investigating the affairs of a market committee under section 123 or the State Government examining the proceedings of such committee under section 126 shall have the power to summon and enforce the attendance of officers or members of the market committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908.

125. *Seizure of account books and other documents.*—Where the Chief Marketing Officer has reason to believe that the books and records of a market committee are likely to be tampered with or destroyed or the funds or property of a market committee are likely to be misappropriated or misapplied, the Chief Marketing Officer may issue an order directing a person duly authorised by him in writing to seize and take possession of such books and records, funds, and property of the market committee, and the officer or officers of the market committee responsible for the custody of such books, records, funds and property, shall give delivery thereof to the person so authorised.

126. *Power of State Government to call for proceedings of market committee and to pass order thereon.*—The State Government may at any time call for and examine the proceedings of any market committee for the purpose of satisfying itself as to the legality or propriety of any proceeding or decision taken or order passed by the market

committee. If in any case, it appears to the State Government that any decision or order passed or proceeding taken, should be modified, annulled, or reversed, the State Government may pass such order thereon as it thinks fit :

Provided that no such order shall be passed by the State Government without giving a reasonable opportunity of being heard to the market committee and to the parties affected.

127. *Supersession of market committee.*—(1) If, in the opinion of the State Government, a market committee is not competent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, or wilfully disregards any orders issued by the State Government or any officer duly authorised by it in this behalf arising out of audit of accounts of the market committee or inspection of the office and work thereof, the State Government may, after giving the committee an opportunity of rendering an explanation, by notification, with reasons therefor, supersede such market committee for such period as may be specified in the notification.

(2) When a market committee is superseded by notification under sub-section (1), the following consequences shall ensue :—

(i) all the members of the market committee shall, on such date as may be specified in the notification be deemed to have vacated their offices ;

(ii) during the period of supersession of the market committee, all powers and duties conferred and imposed on the market committee by or under this Act or any other law shall be exercised and performed by such officer as the State Government may from time to time appoint in that behalf ;

(iii) all property vested in the market committee shall, until it is reconstituted, vest in the State Government

(3) If, after inquiry made, the State Government so directs, by notification, then, notwithstanding the term of the members of the superseded market committee, the period of supersession with all the consequences aforesaid shall from time to time, be continued until such date as may be fixed by the State Government for reconstitution of the market committee.

128. *Liability of members, officers and employees of market committee for loss, waste, misappropriation, etc.*— (1) If, in the course of an inquiry or an inspection under section 123 or in the course of an audit under the rules, it is found that any person who is or was a member of a market committee or of the Board or who is or has at any time been an officer or an employee of a market committee or Board has made any payment contrary to this Act, the rules, the regulations or the bye-laws, or has caused any deficiency in the assets of the market committee or Board by breach of trust or wilful negligence or has misappropriated or fraudulently retained any money or other property belonging to the said market committee or the Board, the Chief Marketing Officer may himself inquire or direct any subordinate officer authorised by him, by an order in writing in this behalf, to inquire into the conduct of such person.

(2) Where an inquiry is made under sub-section (1), the Chief Marketing Officer may, after giving the person concerned an opportunity of being heard, make an order requiring him to repay or restore the money or property or any part thereof, with interest at such rate, to pay contribution and costs or compensation to such extent, as the Chief Marketing Officer may consider to be just and equitable.

(3) Any person aggrieved by an order of Chief Marketing Officer under sub-section (2) may, within sixty days from the date of the communication of the said order, appeal to the Co-operative Appellate Tribunal, and the decision of the Co-operative Appellate Tribunal on such appeal shall be final and shall not be called in question in any court of law.

(4) Any action under this section shall be without prejudice to the prosecution of the person concerned in respect of any offence.

129. *Liability of Chairman, Vice-Chairman and members for removal from office.*—(1) Every Chairman and Vice-Chairman shall, after an opportunity is afforded for hearing him, be removable from his office as such Chairman or Vice-Chairman by the State Government for mis-conduct in the discharge of his duties or for neglect of or incapacity to perform his duties, or for being persistently remiss in the discharge of his duties, and a Chairman or Vice-Chairman so removed who does not cease to be a member under clause (*b*) of sub-section (2), shall not be eligible for re-election as Chairman or Vice-Chairman during the remainder of his term of office as member of the market committee.

(2) (*a*) The State Government may, if it thinks fit, on the recommendation of the market committee, remove any member of the market committee after giving him an opportunity of being heard and after such enquiry as it deems necessary, if such member is in the opinion of the State Government, been guilty of mis-conduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member or does anything against the interests of the market committee;

(*b*) When under sub-section (1) any person is removed from office of the Chairman or Vice-Chairman for mis-conduct in the discharge of his duties, he shall, from the date of such removal cease to be a member and shall be deemed to be removed from the membership of the market committee under this sub-section.

130. *Administrator to exercise powers and perform duties of market committees not validly constituted or in the working of which a deadlock is created.*—(1) Notwithstanding anything contained in this Act, or the rules, if at any time it shall appear to the State Government, that on

account of a decision or order of a competent court, a market committee has not been validly constituted under this Act or that it is disabled from functioning or that the number of seats required to be filled by election under sub-section (2) of section 39 is not filled, or on any other account, the Government may by notification, cause all or any powers and duties of the market committee and its Chairman to be exercised and performed by such officer in such manner and for such period and subject to such conditions as it may, by notification, direct.

(2) All the powers and the duties of the market committee exercised and performed *bona fide* till the date of the notification referred to in sub-section (1), by the persons who constituted such market committee shall be deemed to have been validly exercised and performed by the said persons; and no acts done by the said persons shall be deemed to be invalid or called in question on the ground merely that they were not members of a validly constituted market committee.

131. *Recovery of sums due to Government from market committee or Board.*—Every sum due from a market committee or the Board to the State Government shall be paid by the person in charge of the fund of the market committee or Board on receipt of a requisition from the Chief Marketing Officer or the State Government.

CHAPTER XIV

MISCELLANEOUS.

132. *Recovery of sums due to market committee or Board.*—(1) Any sum due to a market committee or the Board on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule, regulation or bye-law made thereunder shall be recoverable from the person from whom such sum is due, in the same manner as an arrear of land revenue.

(2) If any question arises whether a sum is due to the market committee or the Board within the meaning of sub-section (1), it shall be referred to the Chief Marketing Officer or an officer subordinate to him authorised by him, and the Chief Marketing Officer or the authorised officer shall after making such enquiry as he deems fit, and after giving to the person from whom the sum is alleged to be due an opportunity of being heard, decide the question; and his decision shall be final and shall not be called in question in any court or before any other authority.

133. *Power to exempt certain class of co-operative societies from the provisions of Act.*—The State Government may, by notification, exempt any class of co-operative societies of which all the members are either agriculturists or the primary producers of any notified agricultural produce from any of the provisions of this Act or the rules or the bye-laws subject to such conditions and restrictions as may be specified in such notification.

134. *Provisions of Act not to apply to Central and State Governments.*—The provisions of this Act shall not apply to any sales or purchases made directly by the Central Government or the State Government.

135. *Proof of entries in market committee's or Board's registers, etc.*—(1) A copy of any entry in any book, register or list regularly kept in the course of its business by a market committee or the Board shall, if duly certified in such manner as may be prescribed, be received in any suit or other legal proceeding as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent to which, the original entry would, if produced, have been admissible to prove such matters, transactions or accounts.

(2) No officer of a market committee or the Board shall, in any legal proceeding to which the committee or the Board is not a party, be compelled to produce any of the

committee's or Board's books, the contents of which can be proved under sub-section (1), or to appear as a witness to prove the matters, transactions or accounts therein recorded, unless by order of the court or other authority made for special cause.

(3) (*a*) On the application of any party to a legal proceeding, the court or other authority may order that such party may inspect and take copies of any entries in a market committee's or Board's book for any of the purposes of such proceeding, or may order the committee or the Board, as the case may be, to prepare and produce, within a time to be specified in the order, certified copies of all such entries accompanied by a further certificate that no other entries are to be found in the books of the committee or Board relevant to the matters in issue in such proceeding and such further certificate shall be dated and subscribed in the manner prescribed for certified copies under sub-section (1).

(*b*) An order under this sub-section or sub-section (2), may be made either with or without summoning the committee or Board, and shall be served on the committee or the Board three clear days exclusive of public holidays before the same is to be complied with, unless the court or other authority shall otherwise direct.

(*c*) The committee or the Board may at any time before the time specified for compliance of any such order either offer to produce its books at the trial or give notice of its intention to show cause against such order, and thereupon the same shall not be enforced wihout further orders.

136. *Chairman, Vice-Chairman, members, officers and servants of market committee or Board to be public servants.*—The Chairman, the Vice-Chairman, the members, the officers and other servants of a market committee and the Vice-Chairman, the members, the officers and other servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code and the Prevention of Corruption Act, 1947, for the time being in force.

137. *Bar of suit or other legal proceeding in absence of notice.*—No suit or other legal proceeding shall be instituted against any market committee or the Board or any member, officer or servant thereof or any person acting under the direction of any such market committee, Board, member, officer or servant for anything done or purporting to be done in good faith as such member, officer, servant or person under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims has been in the case of a market committee or the Board delivered or left at its office, and in the case of such member, officer, servant or person as aforesaid delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered or left :

Provided that nothing in this section shall be applicable to any suit or other legal proceeding by the State Government, the Chief Marketing Officer, the market committee or the Board against any member, officer, servant or other person.

138. *Powers and duties of Police Officer.*—(1) Any police officer may arrest any person committing in his view any offence against any provision of this Act or any rule or bye-law, if the name and address of such person be unknown to him and the person declines to give his name and address on demand, or gives a name and address the accuracy of which such officer has reason to doubt ; and such person may be detained at the police station until his correct name and address has been ascertained.

(2) It shall be the duty of every police officer to communicate as soon as may be, to the market committee any information which he receives regarding any attempt to commit or the commission of any offence against this Act or any rule or bye-law made thereunder, and to assist the Secretary or any officer or servant of the market committee reasonably demanding his aid in the exercise of his lawful authority.

139. *Duty of local authorities to give information and assistance.*—(1) It shall be the duty of every local authority to give all the necessary information in the possession of or under the control of its officers to the market committee or its officers authorised in that behalf, relating to the import and export of notified agricultural produce into and out of the area of the local authority, free of any charges.

(2) It shall be also the duty of every local authority and its officers and staff concerned with the collection of octroi to give all the possible assistance to any officer of the market committee in exercising his powers and discharging his duties under sections 66 and 67.

140. *Delegation of powers of State Government and Chief Marketing Officer.*—(1) The State Government may by notification direct that any of the powers conferred on it by or under this Act, other than those conferred by sections 1, 2, 3, 4, 5, 10, 18, 38, 62, 68, 69, 96, 100, 126, 127, 130, 133, 143, 144, 145, 146 and 152 may subject to such restrictions and conditions as may be specified in such notification, be exercisable also by such officers of the State Government as shall be specified in such notification.

(2) The State Government may by notification direct that any of the powers conferred on the Chief Marketing Officer by or under this Act, other than those conferred by sections 6, 7, 9, 11, 60, 91, 149 and 150 may subject to such restrictions and conditions as may be specified in such notification, be exercisable also by such of his subordinate officers as may be specified in such notification.

141. *Protection to persons acting in good faith.*—No suit, prosecution or other legal proceeding shall be instituted against any person for anything done or intended to be done in good faith under this Act, or the rules, regulations, or the bye-laws.

142. *Effect of mere alteration of limits of market area.*—Where a notification is issued under section 5, excluding any area from any market area and such excluded area

is not declared to be a separate market area or a notification is issued under section 5, including any area within a market area, the market committee constituted for such market area before the date of such exclusion or inclusion shall, notwithstanding anything contained in this Act, continue to be the market committee for the said market area until the reconstitution of such market committee under this Act.

143. *Denotification of a market area and its consequences.*—(1) Subject to the procedure specified in sections 3 and 4, the State Government may by notification declare that a market area shall from a date to be specified in the notification, cease to be a market area.

(2) When any area ceases to be a market area under sub-section (1), the market committee constituted therefor shall cease to exist, and the property and rights vested in any such market committee shall subject to all charges and liabilities affecting the same, vest in the State Government

(3) Where any such area is included in two or more other market areas, the State Government shall, by order, direct that such property, rights, charges and liabilities shall vest in the market committees of such areas in such manner and in such proportions as may be specified in such order.

144. *Amalgamation of market committees.*—Where the State Government is satisfied that for securing efficient regulation of marketing of any agricultural produce in any market area, it is necessary that two or more market committees therein should be amalgamated, then the State Government may, after consulting the market committees concerned provide for the amalgamation of such market committees into a single market committee for the market area in respect of the agricultural produce specified in the notification, with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings, and such incidental, consequential and supple-

mentary matters as may be necessary to give effect to such amalgamation) as may be specified in the notification.

145. *Division of market area into two or more separate market areas.*—(1) Subject to the procedure specified in sections 3 and 4, the State Government may divide a market area into two or more separate market areas.

(2) When during the term of a market committee the market area for which it is established is divided into two or more separate market areas, the following consequences shall ensue :—

(*a*) the market committee constituted for the market area under this Act shall be deemed to have been dissolved, and the State Government shall constitute separate market committees under section 10 for each of the separate market areas subject to such conditions as may be prescribed, and the Chief Marketing Officer shall also simultaneously declare a specified area and a specified place as the market and the market yard for each of the new market areas ;

(*b*) the term of office of the newly constituted committees shall be the same as is applicable to the first market committee under sub-section (3) of section 10 ;

(*c*) the assets, rights and liabilities of the dissolved market committee shall be distributed by the State Government between the new market committees in accordance with such rules as may be prescribed ;

(*d*) any appointment, notification, notice, fee, order, scheme, licence, permission, bye-law or form, made, issued or imposed by the market committee which has been dissolved, in respect of any part of the area subject to the authority of the new market committees shall be deemed to have been made, issued or imposed by such market committee concerned unless and until it is superseded by any notification, notice, fee, order, scheme, licence, permission, rule, bye-law or form made, issued or imposed by it

(3) If any difficulty arises in giving effect to the provisions of this section, the State Government may by order published in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

146. *Rules.*—(1) The State Government may for the whole of the State or for any class of market committees by notification and after previous publication, make rules for carrying into effect the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for,—

(*a*) the preparation and revision of the list of voters, the division of the market area into constituencies, the election or nomination of members of the market committee, the payment of deposits and their forfeiture, the manner of holding elections, the drawing up of the election programme, the fixing of polling stations, the appointment of returning officers, presiding officers and polling officers and all matters ancillary to such elections ;

(*b*) the election of the Chairman and the Vice-Chairman of the market committee ;

(*c*) the filling up of casual vacancies in the office of the Chairman, the Vice-Chairman or member of the market committee ;

(*d*) the forms in which returns shall be submitted by the market committee to the Chief Marketing Officer and such other officers as may be authorised by the Chief Marketing Officer ;

(*e*) the persons by whom and the form in which copies of documents, and entries in the books of a market committee or the Board may be certified and the charges to be levied for the supply of such copies :

(*f*) the manner in which the inquiry and inspection of the market committee shall be held ;

(*g*) the restrictions and conditions subject to which a market committee or the Board may incur any expenditure;

(*h*) the restrictions and conditions subject to which a market committee or the Board may enter into contracts;

(*i*) the circumstances in which any commodity shall deemed to be adulterated;

(*j*) the fees payable in respect of appeals under this Act or the rules and the fees payable in respect of any other matter;

(*k*) the preparation of plans and estimates for works proposed to be constructed at the expense of a market committee or the Board and the grant of sanction to such plans and estimates;

(*l*) the form in which the accounts of a market committee or the Board shall be kept, the audit, inspection and publication of such accounts, the charges, if any, to be made for such audit and inspection, audit memoranda of the accounts and supply of copies of such memoranda;

(*m*) the preparation and submission for sanction of the annual budget and the report and returns of a market committee or the Board;

(*n*) the investment and disposal of surplus funds of a market committee or the Board;

(*o*) any other matter for which there is no provision in this Act (including prescribing appellate authorities, periods within which appeals or revision petitions have to be filed), and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Act.

(3) A rule under this Act may be made with retrospective effect and when such a rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to

any modification made under section 149, every rule made under this Act shall have effect as if enacted in this Act.

147. *Regulations.*—Subject to the provisions of this Act and the rules, the Board may, by notification, and with the previous approval of the State Government, make regulations in relation to the carrying into effect the functions entrusted to the Board under this Act.

148. *Bye-laws.*—(1) Subject to the provisions of this Act and the rules made under section 146 and with the previous sanction of the Chief Marketing Officer, a market committee may after previous publication in the prescribed manner, make bye-laws for the regulation of the business and the conditions of trading in the market area. Every bye-law made under this section shall be published in the prescribed manner.

(2) In particular and without prejudice to the generality of the foregoing provision, the bye-laws may provide for,—

(i) the regulation of business of the market committee;

(ii) the regulation of the business of the sub-committees of the market committee;

(iii) the conditions of delegation of powers, functions and duties of the market committee to sub-committees;

(iv) the appointment and conditions of service of the officers and servants of the market committee;

(v) the assignment of powers, functions and duties to the officers and servants of the market committee;

(vi) the procedure for the granting, renewal, refusal, suspension or cancellation of licences under this Act and the circumstances in which any suspension or cancellation of a licence may be annulled by the market committee;

(vii) the conditions for trading or operating in any capacity as a market functionary within the market area ;

(viii) the control and regulation of the dealings between sellers and purchasers ;

(ix) the enforcement of the weighment of notified agricultural produce in due time ;

(x) the enforcement of issue of immediate receipt to the producer in respect of the produce entrusted by the producer to the commission agent for sale ;

(xi) the procedure of sales of notified agricultural produce in the yards and outside the market and sub-market in the market area ;

(xii) the sales of notified agricultural produce in the yards under the direct supervision of the staff of the market committee ;

(xiii) the execution of agreement of sale soon after the sale is agreed upon ;

(xiv) the taking of delivery of goods soon after the agreement of sale is effected ;

(xv) the payment of the price of the produce by the purchaser to the seller at the time of taking delivery of goods in all cases of direct purchases made from the producer without the assistance of a commission agent ;

(xvi) the fixing of the maximum period of credit permissible to the purchaser from the commission agent from the date of the agreement of sale ;

(xvii) the enforcement of prompt payment by the commission agent to his principal soon after delivery of the goods is given to the purchaser ;

(xviii) the enforcement of payment of the price of goods by the purchaser to the commission agent as and when it falls due in accordance

with the terms of credit where the commission agent has allowed credit before the expiry of the maximum term of credit permissible under the bye-laws;

(xix) the procedure to be adopted where any licensed trader or commission agent suspends payment or becomes insolvent or is otherwise unable or refuses or neglects to discharge his liabilities and obligations in relation to transactions in the yards and outside the market or sub-market in the market area, and the rights, duties and liabilities of such trader or commission agent and those with whom he had such transactions and the manner in which and terms upon which they are to be closed or passed on;

(xx) the enforcement of the submission of returns, reports and statements from the market functionaries to the market committee;

(xxi) the enforcement of the production of the account books and any other books, files or documents of the market functionaries for inspection;

(xxii) the prevention of the adulteration of goods;

(xxiii) the licence fees payable in respect of licences issued to the different classes of market functionaries;

(xxiv) the fixing of the percentage of the security amount to be deposited or the amount of bank guarantee to be furnished by the commission agents and by the different categories of traders, under sections 85 and 86;

(xxv) the travelling allowances and daily allowances of the members of the market committee;

(xxvi) the circumstances in which a warning may be given or a penalty may be imposed by the market committee on the market functionaries or other persons for breach of bye-laws

and the procedure to be followed for the purpose ;

(xxvii) the procedure for entry and inspection of places of business and other places, under section 66 ;

(xxviii) the assistance to be rendered to a producer by way of preparing invoices and bills when he sells his goods directly to a purchaser without the assistance of a commission agent ;

(xxix) the regulation of the admission of the market functionaries into the yard and control over the behaviour of such functionaries ;

(xxx) the form of application for licence, the qualifications and disqualifications for securing the renewal of the different kinds of licences the procedure for the inquiry about and verifying the correctness of the statements made in the applications for licences ;

(xxxi) the opening and closing of marketing in the yards ;

(xxxii) the books, registers and documents to be kept and maintained, and the compilation of statements to be prepared from the returns received from the market functionaries and the registers, books and documents to be kept and maintained by the market functionaries ;

(xxxiii) any other matter in respect of which bye-laws are required to be or may be made under this Act.

(3) Any bye-law made under this section may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to two hundred rupees.

(4) Where any bye-law is submitted to the Chief Marketing Officer for sanction under sub-section (1), and if the Chief Marketing Officer is satisfied—

(*a*) that the proposed bye-law is not contrary to the provisions of this Act or the rules ;

(*b*) that it complies with the requirements of sound administration;

he may sanction the bye-law.

(5) When the Chief Marketing Officer refuses to sanction any amendment or bye-law, he shall communicate his order with the reasons therefor, to the market committee:

Provided that no such order shall be made without giving the market committee a reasonable opportunity of being heard.

(6) A market committee aggrieved by an order of the Chief Marketing Officer under sub-section (5), may within ninety days from the date on which the order of refusal to sanction is received by the market committee, appeal to the State Government. The decision of the State Government on such appeal shall be final and shall not be called in question in any court of law.

149. *First bye-laws on the establishment of markets.*—(1) As soon as may be, after the Chairman is nominated for the first market committee of a market area, the Chief Marketing Officer shall, in consultation with the said Chairman, and taking into consideration the local conditions make the first bye-laws for the market area in accordance with the provisions of this Act and the rules. The first bye-laws so made shall, notwithstanding anything contained in this Act, be deemed to be the bye-laws made by the market committee until superseded or amended by any bye-law made under section 148.

(2) The first bye-laws shall be published in such manner as may be prescribed.

150. *Chief Marketing Officer's power to direct the making or amendment of bye-laws.*—(1) If it appears to the Chief Marketing Officer that it is necessary or desirable in the interests of a market or market committee to make any bye-law or to amend any bye-law, he may by order require the market committee concerned to make the bye-law or the amendment of the bye-law within such time as he may specify in such order.

(2) If the market committee fails to make such bye-law or such amendment of the bye-law and forward the same to the Chief Marketing Officer for sanction in accordance with the provisions of section 148 within the time specified in such order, the Chief Marketing Officer may, after giving the market committee and any other person interested in the matter a reasonable opportunity of being heard, by order make such bye-law or such amendment of the bye-law, and thereupon, subject to any order under sub-section (3), such bye-law or such amendment of the bye-law shall be deemed to have been made or amended by the market committee in accordance with the provisions of this Act, Every order made by the Chief Marketing Officer under this sub-section shall be published in the official Gazette.

(3) An appeal shall lie to the State Government from any order of the Chief Marketing Officer under sub-section (2) within sixty days from the date of publication of such order and the order of the State Government on such appeal shall be final.

151. *Power to make standing Orders.*—(1) Subject to the provisions of this Act and the rules and bye-laws made thereunder, every market committee may by resolution make Standing Orders for the regulation of any class of transactions or any class of market functionaries.

(2) Every Standing Order made under sub-section (1) shall be publilshed in such manner as may be prescribed.

152. *Orders for bringing this Act into force.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may by order published in the official Gazette make such provisions as appears to it to be necessary or expedient—

(*a*) for bringing the provisions of this Act into effective operation ;

(*b*) for removing difficulties arising in connection with the transition to the provisions of this Act or giving effect to the provisions of this Act ;

(*c*) so far as it appears necessary or expedient in connection with any of the matters aforesaid for varying the powers or jurisdiction of any court or authority and empowering new courts or other authorities to exercise such jurisdiction as may be specified in such order.

(2)The provisions made by any order under subsection (1) shall, subject to the provisions of section 149, have effect as if enacted in this Act, and any such order may be made so as to be retrospective to any date not earlier than the date of commencement of this Act :

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision therof retrospective to any date before the making thereof.

153. *Rules and notification to be laid before Legislature.*—Every rule made under this Act and every order issued under section 152 shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect, only in such modified form or be of no effect, as the case may be ; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

154. *Repeal and savings.*—(1) The Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), as in force in Bellary District, the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), as in force in the Madras Area, the Bombay Agricultural Produce Markets Act, 1939 (Bombay Act XXII of 1939), as in force in the Bombay Area, the Hyderabad Agricultural Market Act, 1339F (Hyderabad Act II of 1339 Fasli), as

in force in the Hyderabad Area, the Mysore Agricultural Produce Markets Act, 1939 (Mysore Act XVI of 1939), as in force in the Mysore Area and the Coorg Agricultural Produce Markets Act, 1956 (Coorg Act VII of 1956), as in force in the Coorg District, are hereby repealed :

Provided that,—

(*a*) the repeal shall not affect the previous operation of any enactment so repealed, and anything done or action taken (inculding any appointment, delegation or declaration made, notification, order, rule, direction or notice issued, bye-law framed, market areas, markets, sub-markets and yards declared, established or notified, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act ;

(*b*) the mention of particular matters in the preceding proviso shall not affect the general application to this Act of section 6 of the Mysore General Clauses Act, 1899 (Mysore Act 3 of 1899) in respect of the repealed enactments, and sections 8 and 24 of the said Act shall be applicable as if the said enactments had been repealed and reenacted by this Act ;

(*c*) all market committees constituted, members of such committees appointed or elected and Chairmen and Vice-Chairmen, elected or appointed under the repealed enactments shall exercise the powers conferred, perform the functions, and be subject to the liabilities imposed by the provisions of this Act and the rules made thereunder on market committees members of such committees, Chairmen and Vice-Chairmen, respectively, until the market committees are constituted under the provisions of this Act, and on the date of the first meeting of any market committee

after such constitution under this Act, the market committee constituted under the repealed enactments shall be deemed to have been dissolved ;

(*d*) casual vacancies in the seats of members or market committees or in the office of Chairmen or Vice-Chairmen of market committees functioning under the preceding proviso shall, until the market committees are constituted under the provisions of this Act, be filled and all matters in connection with the filling of such vacancies shall be regulated in accordance with the provisions governing the filling up of such vacancies and regulating such matters as were in force immediately before the date of coming into force of this Act :

Provided further that notwithstanding anything contained in any enactment repealed by this section or any rule or order made thereunder, or anything in the preceding proviso, in respect of every market area or market declared or notified under any such enactment, a market committee shall be constituted under the provisions of this Act, before such date as the State Government may by notification appoint in respect of the market area or market concerned which shall not be a date later than three years from the date of commencement of this Act.

(2) Notwithstanding anything contained in sub-section (1). for the purpose of giving effect to the provisions of the provisos to the said sub-section, the State Government may, by notification, make such provisions as appears to it to be necessary or expedient—

(*a*) for making omissions from, additions to and adaptations and modifications of the rules, notifications and orders issued under the repealed enactments :

(*b*) for specifying the authority, officer or person who shall be competent to exercise such functions exercisable under any of the repealed enactments or any rules, notifications, or orders issued thereunder as may be mentioned in the said notification.

155. *Power to State Government to transfer assets, etc., in cases of market committees constituted for excluded areas under repealed Acts.*—Where before the commencement of this Act, any area comprised in any market area was excluded from such market area under any enactment repealed by section 154 and the area so excluded was declared as a separate market area under the said enactment and a separate market committee was constituted therefor, and both the market committees continue to function immediately after such commencement and the assets, rights and liabilities of the separate market committee are not yet determined either by agreement between the market committees or otherwise, then the State Government may, by notification, after consulting the market committees concerned provide for the transfer of the assets, rights and liabilities of the market committee in relation to the area so excluded (including the rights under any contract made by it) to the separate market committees on such terms and conditions as may be specified in such notification.

156. *Amendment of Mysore Act* 66 *of* 1958.—In Schedule II to the Mysore Court Fees and Suits Valuation Act, 1958, the following amendments shall be, and shall be deemed to have been, made with effect from the 1st October 1964, namely :—

(*a*) in clause (ii) of Article 3, after the words "Mysore Revenue Appellate Tribunal", the words " or the Co-operative Appellate Tribunal", shall be inserted.

(*b*) in clause (*j*) of Article 10 after the words "Mysore Revenue Appellate Tribunal", the words "or the Co-operative Appellate Tribunal" shall be inserted.

157. *Amendment of Mysore Act* 11 *of* 1959.—In section 2B of the Mysore Co-operative Societies Act, 1959-

(1) in sub-section (1), after the words "by or under this Act", the words " or under any other law for the time being in force" shall be added;

(2) In sub-section (4), after the word "thereunder", the words "and in respect of proceedings under any other law, consistent with such law," shall be inserted;

(3) In sub-section (6) after the words "an appeal lies to it", the words "under this Act or any other law for the time being in force" shall be inserted;

(4) in sub-section (7), after the words and figures "under section 105" the words "of this Act or under any other law" shall be inserted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION

LAW DEPARTMENT.

No. LAW 25 LGN 65, Bangalore, dated 8—9th September 1966.

Ordered that the **Mysore Gift Goods (Unlawful Possession) Amendment Act, 1966**, which received the assent of the President on the Twenty-fourth day of August, 1966 be published as Mysore Act No. 2 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 28 OF 1966.

First published in the Mysore Gazette *dated the Fifteenth day of September 1966*).

THE MYSORE GIFT GOODS (UNLAWFUL POSSESSION) AMENDMENT ACT, 1966.

(*Received the assent of the President on the Twenty-fourth day of August 1966*)

An Act to amend the Mysore Gift Goods (Unlawful Possession) Act, 1963.

WHEREAS it is expedient to amend the Mysore Gift Goods (Unlawful Possession) Act, 1963 (Mysore Act 20 of 1963);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1 Short title and commencement.—This Act may be called the Mysore Gift Goods (Unlawful Possession) Amendment Act, 1966.

(2) It shall come into force at once.

2 Amendment of the long title.—In the long title to the Mysore Gift Goods (Unlawful Possession) Act, 1963 (Mysore Act 20 of 1963) (hereinafter referred to as the principal Act),—

(i) after the words "An Act", the words "to regulate the possession of gift goods and" shall be inserted; and

(ii) the words "supplied by certain relief organisations" shall be omitted.

3 Amendment of the preamble.—In the preamble to the principal Act,—

(i) after the words "it is expedient", the words "to regulate the possession of gift goods and" shall be inserted; and

(ii) the words "supplied by certain relief organisations" shall be omitted.

4 Amendment of section 2.—In section 2 of the principal Act,—

(i) for clause (1), the following clause shall be substituted, namely :—

"(1) "gift goods" means any of the goods specified in Schedule I to this Act, delivered by any relief organisation to any State Government or to the Central Government or to any other person or organisation individually or on behalf of such Government ;"

(ii) in clause (2), for the words "the Schedule", the word and figures "Schedule II" shall be substituted.

5 Substitution of new sections for section 3.—For section 3 of the principal Act, the following sections shall be substituted, namely :—

"**3. Penalty for unlawful possession of gift goods.**—Whoever is found or is proved to have been in possession of any quantity of gift goods shall, unless he proves that the gift goods came into his possession lawfully, be punishable with imprisonment for a term which may extend to two years or with fine or with both.

3A. Prohibition of sale or purchase of gift goods.—(1) No person shall sell or purchase any quantity of gift goods.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

3B. Presumption in respect of certain goods.—(1) Any goods specified in Schedule I contained in any receptacle, package or covering on which such marks (including words and figures), as the State Government may from time to time by notification in the official Gazette specify, are found shall, until the contrary is proved, be presumed to be

gift goods for purposes of sections 3 and 3A, and the conviction of any person under section 3 or sub-section (2) of section 3A shall not be invalid by reason only that it is based solely on such presumption.

(2) The marks specified under sub-section (1) shall be the marks usually found on receptacles, packages or coverings of gift goods delivered by the different relief organisations."

6. Amendment of section 5.—Section 5 of the principal Act shall be renumbered as sub-section (1) and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898) or any other law, the trial of any offence under this Act in any court shall have precedence over the trial of any other offence pending in such court."

7. Insertion of new sections 5A and 5B.—After section 5 of the principal Act, the following sections shall be inserted, namely :—

"**5A. Disposal of goods seized.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act 5 of 1898), when any goods regarding which an offence under this Act appears to have been committed, is produced before any court during any inquiry or trial, the court shall, after recording such evidence as it thinks necessary, order such goods including any receptacle, package or covering in which it is found, to be delivered to such officers or authorities as the State Government may by notification in the official Gazette specify, retaining, if the court deems it necessary, a sample of such goods for the purposes of the inquiry or trial.

5B. Confiscation of animals, vehicles, etc.—Any animal, vehicle, vessel or other conveyance used in carrying any goods in respect of which an offence punishable under this Act has been committed shall be confiscated by the order of the court :

Provided that no animal, vehicle, vessel or other conveyance shall be confiscated, if the owner thereof satisfies the court that he had exercised due care in preventing the commission of the offence".

8. **Amendment of section 6.**—In section 6 of the principal Act,—

(i) in the heading, for the words "the Schedule" the word and figures "Schedule II" shall be substituted;

(ii) in sub-section (1), for the words "the Schedule", in the two places where they occur, the word and figures "Schedule II" shall be substituted.

9. **Insertion of Schedule I.**—After section 6, the following Schedule shall be inserted, namely:—

"SCHEDULE I

[*See* section 2 (1)]

1. beans;
2. bulgur wheat;
3. butter;
4. butter oil;
5. cheese;
6. cornmeal;
7. cottonseed oil;
8. ghee;
9. hydrogenated oil
10. milk powder;
11. rolled wheat;
12. soyabean oil
13. sunflower oil,
14. wheat;
15. wheat flour.

10. Amendment of Schedule.—The Schedule to the principal Act shall be numbered as Schedule II and in the Schedule as so numbered, for item 1, the following item shall be substituted, namely :—

"1. United Nations Children's Fund (UNICEF)"

By Order and in the name of the Governor of Mysore.

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

CORRIGENDUM

Dated 22cd September 1966.

In Mysore Act No. 14 of 1966 published in Notification No. LAW 16 LGN 66, dated 25th April 1966 on page 2 of the *Mysore Gazette* (Extraordinary) No. 74 dated April 25, 1966, the heading may be read as **"THE MYSORE ENTERTAINMENTS TAX (AMENDMENT) ACT, 1966"** *instead of* **"THE MYSORE ENTERTAINMENT TAX (AMENDMENT) BILL, 1966"**.

21 *Compiler.*

CORRIGENDUM

Dated 22nd September 1966.

In Mysore Act No. 27 of 1966 published in Notification No. LAW 27 LGN 62, dated 8th September 1966, on page 184 of Part IV-2B of the *Mysore Gazette*, dated 15th September 1966, the first para just below the heading may be read as "An Act to provide for the better regulation of buying and selling of agricultural produce and the Establishment and administration of markets for agricultural produce in the State of Mysore" *instead* of "A bill to provide for the better regulation of buying and selling of agricultural produce and the establishment and administration of markets for agricultural produce in the State of Mysore".

Compiler.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 45 LGN 62, Bangalore, dated 26th November 1966.

Ordered that the **Mysore Agricultural Debtors Relief Act, 1966**, which received the assent of the President on the eleventh day of November 1966, be published as Mysore Act No. 29 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 29 OF 1966

(First published in the Mysore Gazette *on the First day of December 1966).*

THE MYSORE AGRICULTURAL DEBTORS RELIEF ACT, 1966.

(Received the assent of the President on the eleventh day of November 1966).

An Act to consolidate and amend the law for the relief of agricultural debtors in the State of Mysore.

WHEREAS it is expedient to consolidate and amend the law for the relief of agricultural debtors in the State of Mysore, and for certain other purposes specified herein;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

CHAPTER I.

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Agricultural Debtors Relief Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "award" means an award made under sub-section (4) of section 8, or section 9, 31 or 32 or as confirmed or modified by the Court in appeal;

(2) "co-operative society" means a society registered or deemed to be registered under the Mysore Co-operative Societies Act, 1959;

(3) "court" means Court of the Munsiff or the Civil Judge having ordinary jurisdiction in the area where the debtor ordinarily resides, according as the total amount of the debts due from the debtor on the date of the application, as specified therein does not exceed the pecuniary jurisdiction of such court:

Provided that every application shall be filed in the court of the lower pecuniary jurisdiction competent to try it ;

(4) "debt" means any liability in cash or kind, whether secured or unsecured, due from a debtor, whether payable under a decree or order of any civil court or otherwise, and includes mortgage money, the payment of which is secured by the usufructuary mortgage of immoveable property, but does not include arrears of wages, payable in respect of agricultural or manual labour, or any liability for the recovery of which remedy is barred by limitation ;

(5) "debtor" means—

(*a*) an individual—

(*i*) who is indebted ;

(*ii*) who holds land used for agricultural purposes, or has held such land at any time not more than thirty years before 30th January 1960, which land has been transferred, whether under any instrument or not, and which transfer is in the nature of a mortgage, although not purporting to be so ;

(*iii*) who has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act ; and

(*iv*) whose annual income from sources other than agriculture and manual labour does not exceed one-third of his total annual income, or Rs. 1,000 whichever is greater, and whose aggregate annual income from all sources does not exceed Rs. 5,000 ;

(*b*) an undivided Hindu family—

(*i*) which is indebted ;

(*ii*) which holds land used for agricultural purposes or has held such land at any time not more than thirty years before 30th January, 1960, which land has been transferred whether under an instrument or not and which transfer is in the nature of a mortgage although not purporting to be so;

(*iii*) which has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act, and

(*iv*) whose annual income from sources other than agriculture and manual labour does not exceed two-fifths of its total annual income, or Rs. 3,000 whichever is greater and the aggregate of such annual incomes from all sources of the members of which does not exceed Rs. 10,000.

Explanation 1.—For the purposes of this clause "agriculture" includes horticulture, the raising of crops or garden produce, dairy farming, poultry farming, pig-breeding, stock-breeding and grazing; but does not include leasing of land or cutting only of wood.

Explanation 2.—In the case of—

(*a*) any person who dies leaving as his heir, a widow or a minor or a person who is subject to physical or mental disability; or

(*b*) an undivided Hindu family, in which there are no adult coparceners capable of cultivating the land personally,

the income derived by such heir or family by the lease of land for an agricultural purpose shall, notwithstanding anything contained in Explanation 1, be deemed to be income from agriculture;

(6) "financing of crops" means advancing of loans for the raising of crops during the ploughing season or later for ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds, manure, pesticides or for such other purposes as may be prescribed, such loans being repayable during the season when the crops for which loans were advanced are harvested;

(7) "holder" means a holder as defined in the Mysore Land Revenue Act, 1964, and includes a holder of land held for the purpose of service useful to Government or village community, which service is actually being performed, but does not include a holder of any land held on behalf of a religious or charitable institution; and the expression "to hold land" shall be construed accordingly;

Explanation:—A protected tenant, as defined in the Mysore Land Reforms Act, 1961, shall be deemed to be a holder for the purpose of this clause;

(8) "notification" means a notification published in the official Gazette;

(9) "prescribed" means prescribed by rules made under this Act;

(10) "repealed Debt Conciliation Act" means—

(*a*) the Mysore Debt Conciliation Act, 1937 (Mysore Act VI of 1937) in the Mysore Area,

(*b*) the Hyderabad Debt Conciliation Act, 1349-F in the Hyderabad Area,

(*c*) the Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936) in the Madras Area;

(*d*) the Debt Conciliation Act, 1940 (Coorg Act II of 1940) in the Coorg District;

(11) "Scheduled Bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (Central Act II of 1934);

(12) "seasonal finance" means advancing of loans for prescribed purposes such loans being repayable on or before such dates as may be prescribed;

(13) "to cultivate personally" means to cultivate by one's own labour or by the labour of any member of one's family or by hired labour, or by servants on wages payable in cash or kind but not in crop share, under the personal supervision of one's self or any member of one's family;

Explanation 1.—If a person who is cultivating personally dies, leaving as his heir, a widow or a minor or a person who is subject to physical or mental disability, such heir shall be deemed to cultivate the land personally, notwithstanding the fact that the land is cultivated on behalf of such heir by servants or hired labour or by tenants;

Explanation 2.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family. If there are no adult male coparceners in such family capable of cultivating the land personally, such family shall be deemed to be cultivating the land personally, if the land is cultivated on behalf of such family by servants or hired labour or by tenants;

Explanation 3.—In the case of a person in the service of the armed forces of the Union, he shall be deemed to cultivate the land personally, notwithstanding the fact that the land is cultivated on his behalf by servants or hired labour or by tenants.

(14) Words and expressions used in this Act, but not defined, shall have the meanings assigned to them in the Code of Civil Procedure, 1908, or the Mysore Land Revenue Act, 1964.

3. Savings.—Save as otherwise expressly provided, nothing in this Act shall affect the debts and liabilities of a debtor falling under the following heads, namely :—

(i) any revenue or tax payable to Government or any other sum due to it by way of loan or otherwise;

(ii) any tax payable to a local authority or any other sum payable to such authority by way of loan or otherwise;

(iii) any sum due to a co-operative society;

(iv) any sum advanced solely for the purpose of financing of crops or for the purpose of seasonal financing as provided for in this Act;

(v) any sum in respect of which proceedings have been taken under the Hyderabad Jahgirdars Debt Settlement Act, 1952;

(vi) any sum due under a decree or order for maintenance passed by a competent Court;

(vii) any sum due to a Scheduled Bank;

(viii) any liability arising out of a breach of trust; and

(ix) any debt due to a woman, where the value of the property owned by her including the principal amount of the debt so due does not exceed six thousand rupees.

Explanation.—For the purposes of this clause, the house in which the creditor woman lives, or any furniture therein, or her house-hold utensils, wearing apparel, jewellary, or such like personal belongings shall not be regarded as property.

CHAPTER II.

PROCEDURE FOR ADJUSTMENTS OF DEBTS.

4. Application for adjustment of debts.—(1) Any debtor ordinarily residing within the State of Mysore, or his creditor, may make an application within three months from the commencement of this Act, to the Court for adjustment of his debts:

Provided that no application under this section shall lie,—

(*a*) from a debtor whose debts have been adjusted on an application under section 4 of the Bombay Agricultural Debtors Relief Act, 1947, or of the Hyderabad Agricultural Debtors Relief Act, 1956, or in respect of debts which have been scaled down under the Madras Agriculturists Relief Act, 1938;

(b) in respect of any debt due from a debtor which has been extinguished under sub-section (1) of section 15 of the Bombay Agricultural Debtors Relief Act, 1947, or sub-section (1) of section 16 of the Hyderabad Agricultural Debtors Relief Act, 1956.

(2) Every application made under sub-section (1) shall be in writing in the prescribed form and shall be signed, verified and presented in the prescribed manner.

(3) Notwithstanding anything contained in section 3, an application made under this section shall contain the amounts an particulars of all debts specified in that section due by the debtor.

5. Every creditor and debtor to file a true and correct statement before Court.—(1) Notwithstanding the fact that no application has been filed under section 4—

(*a*) every creditor, on being required to do so by notice in writing by any of his debtors, shall, within two months from the date of receipt of such notice, file before the Court a true and correct statement of all his claims against such debtor and shall at the same time send a copy thereof to such debtor, and

(*b*) every debtor on being required to do so by notice in writing by any of his creditors, shall, within two months from the date of the receipt of such notice, file before the Court a true and correct statement—

(i) of all the debts owed by such debtor;

(ii) whether he holds any land used for agricultural purposes and whether he has been cultivating the land personally;

(iii) of his income from agriculture and from sources other than agriculture in the year preceding the date of the notice; and

the debtor shall, at the same time, send a copy of such statement to such creditor:

Provided that the Court may, for sufficient cause, extend from time to time the period within which the creditor or the debtor, as the case may be, may file such statement.

(2) Every debtor or creditor giving a notice under sub-section (1) shall at the same time send a copy thereof to the Court.

(3) In awarding the costs of any proceeding in respect of an application made under section 4, the Court may on being satisfied that the statement required to be filed under sub-section (1), was, without sufficient cause not filed within the time specified therein or within the period extended under the proviso to sub-section (1), or incorrectly filed, direct the party in default to bear the whole or any portion of the costs of such proceeding.

6. Application by debtor jointly and severally liable.—(1) If the payment of a debt due by a debtor is guaranteed by a surety or if a

debtor is otherwise jointly and severally liable for any debt along with any other person and if the surety or such other person is not a debtor, the debtor may make an application under section 4 for relief in respect of such debt and the Court may, after consideration of the facts and circumstances of the case, proceed with the adjustment of the debts under this Act, in so far as such applicant is concerned.

(2) Whenever the debts due by a debtor which are guranteed by a surety are adjusted under sub-section (1), the surety shall be discharged from liability in respect of the debts or portion of the debt of such debtor, which are extinguished under sub-section (1) of section 15, sub-section (3) of section 17, sub-section (5) of section 25, section 33 or clause (ii) of section 34; and the surety shall not be entitled to proceed against the debtor in respect of such debts or portion.

7. **Assignees from non-debtor not entitled to benefit under this Act.**—No application shall lie under section 4 for adjustment of any debt due from a debtor to whom such debt has been transferred or assigned after the commencement of the repealed Debt Conciliation Acts in the respective Areas of the State, by any person who is not himself a debtor.

8. **Application for recording settlement.**—(1) If any debtor and any or all of his creditors arrive at a settlement in respect of any debts due by the debtor to the creditor, the debtor or any of the creditors may, within thirty days from the date of such settlement make an application to the Court for recording such settlement.

(2) Every such application shall be in the prescribed form and shall be signed and verified in the prescribed manner.

(3) On receipt of such application, the Court shall, after giving notice to the creditor or the debtor, as the case may be, and after making such enquiry as it thinks fit, if it is satisfied that the settlement arrived at is bona-fide and voluntary and is not made with intent to defeat or delay any of the creditors of the debtor, and is in the interest of the debtor, record such settlement and certify the same. Every such settlement so recorded and certified shall be binding upon the parties thereto and shall not, save as otherwise hereinafter provided, be reopened.

(4) After the Court has recorded and certified a settlement under sub-section (3), the Court shall call upon the debtor to make a declaration whether there are any other debts due by the debtor which are not included in the settlement. If the debtor makes a declaration that there are no such debts, the Court shall make an award in terms of such settlement.

(5) If the Court is satisfied after recording such settlement, that there are other debts due from the debtor, which are not included in the settlement, the Court shall treat the application made under sub-section (1) as an application for adjustment of debts under section 4.

9. Settlement during pendency of proceedings before Court.—Notwithstanding anything contained in the preceding sections, if during the pendency of proceedings before the Court or the Court in appeal, as the case may be, a settlement is arrived at between a debtor and all his creditors and if such Court is satisfied that the settlement has been made by the debtor voluntarily and is for his benefit, such Court may make an award in terms of such settlement.

10. Certain settlements to be void.—Every settlement of a debt due from a debtor to any creditor, which is not certified by the Court under section 8 or in terms of which no award has been made under section 9, shall be void and shall not be recognised by any Court for any purpose whatsoever.

11. Application under section 4 or section 8 to be made only in respect of debtor whose debts are not more than Rs. 20,000.—No application under section 4 or section 8 shall be entertained by the Court on behalf of or in respect of any debtor, unless the total amount of debts due from him on the date of the application is not more than twenty thousand rupees.

12. Withdrawal of applications.—An application for adjustment of debts under section 4 or an application for a settlement under section 8 shall not be withdrawn without the leave of the Court.

13. Consolidation of applications.—Where two or more applications for adjustment of debts under section 4 are presented by or

against the same debtor, all such applications shall be consolidated. Where such separate applications are presented by or against joint debtors, all such applications shall be heard together.

14. Service of notice on debtors, and creditors to submit statement of debts.—On receipt of an application for adjustment of debts, the Court shall—

(*a*) give notice to the debtor (unless the debtor is himself an applicant) and to every creditor (other than the creditor who is himself an applicant), whose name and address are given in the application, and

(*b*) publish a general notice requiring the debtor and all creditors to submit a statement in the prescribed form within one month from the date of the service of the notice or the publication of the general notice, whichever is later :

Provided that if the Court is satisfied that the debtor or any creditor is, for good and sufficient cause, unable to comply with the notice, within the time specified therein it may extend the period for the submission of the statement.

15. Debts in respect of which no application for adjustment or settlement is made to be void.—(1) Every debt due from a debtor in respect of which no application has been made under section 4 within the period specified in the said section 4, or in respect of which no application for recording a settlement is made under section 8 within the period specified in the said section 8, or in respect of which an application made to the Court is withdrawn under section 12 and no fresh application is made under section 4, and every debt due from such debtor in respect of which a statement is not submitted to the Court by the creditor in compliance with the provisions of section 14, shall be extinguished.

(2) Nothing in this section shall apply to any debt due from any person who has by his declaration, act or omission intentionally caused or permitted his creditor to believe that he is not a debtor for the purposes of this Act, or that no application under section 4 can be entertained in respect of any debt owed by such person to such creditor by reason of the provisions of section 11.

16. Duties of debtors and creditors.—(1) Every debtor by or against whom an application is made under section 4 or who is a party to an application made under section 8 shall produce all books of accounts, shall give such inventories of his property and such lists of his creditors and debtors and of the debt due from and to him, submit to such examination in respect of his property or his creditors, attend at such time before the Court and generally do all such things as may be required by the Court or as may be prescribed.

(2) It shall be the duty of every creditor to produce such books of accounts, to submit to such examination, to supply such information in respect of the debt due to him by the debtor and the securities held by him as may be required by the court or as may be prescribed.

17. Preliminary issues.—(1) On the date fixed for the hearing of an application made under section 4, the Court shall decide the following points as preliminary issues :—

(*a*) whether the person for the adjustment of whose debts the application has been made is a debtor ;

(*b*) whether the total amount of debts due from such person on the date of the application exceeds twenty thousand rupees.

(2) If the Court finds that such person is not a debtor or that the total amount of debts due from such person on the date of the application is more than twenty thousand rupees, the Court shall dismiss the application forthwith.

Provided that before the application is so dismissed, the creditors or any one of them may remit any specified portion of their claim so as to reduce the total amount of the debts of all creditors due from such person on the date of the application to a sum not exceeding twenty thousand rupees. In such a case, the Court shall not dismiss the application but shall proceed further with the same.

(3) The portion of the debts in respect of which the claim is remitted under sub-section (2) shall be extinguished.

Explanation.—For the purposes of this section, the expression " the date of the application " shall mean the date of an application which has been made within the period prescribed under section 4 and where there are two or more applications made for adjustment of debts of the same debtor, the date of the last of such applications.

18. Transfer of pending suits, appeals, applications and proceedings to the Court.—(1) All suits, appeals, applications for execution and proceedings in respect of any debt pending in any Civil or Revenue Court shall, when they involve the questions whether the person from whom such debt is due is a debtor, and whether the total amount of debts due from him exceeds twenty thousand rupees, be transferred to the Court.

(2) When an application for adjustment of debts made to a Court under section 4 or a statement submitted to a Court under section 15 includes a debt in respect of which a suit, appeal, application for execution or proceeding liable to be transferred under sub-section (1) is pending before a Civil or Revenue Court, the Court shall give notice thereof to such Civil or Revenue Court. On receipt of such notice, such Court shall transfer the suit, appeal, application or proceeding, as the case may be, to the Court.

(3) When any suit, appeal, application or proceeding is transferred to the Court under sub-section (1) or sub-section (2), the Court shall proceed as if the application under section 4 had been made to it.

(4) If the Court, to which any suit appeal, application or proceeding is transferred under sub-section (1) or sub-section (2) decides the preliminary issue mentioned in clause (*a*) of sub-section (1) of section 17 in the negative or that mentioned in clause (*b*) of the said sub-section (1) in the affirmative, it shall re-transfer the suit, appeal, application or proceeding to the Civil or Revenue Court from which it had been transferred to itself after the disposal and subject to the result of the appeal, where an appeal is filed, and after the expiry of the period prescribed for an appeal, where no appeal is filed.

(5) When any suit, appeal, application or proceeding is re-transferred to the Civil or Revenue Court under sub-section (4), the said Court shall proceed with the same.

(6) When such suit, appeal, application or proceeding involves the determination of any issue entirely unconnected with adjustment of debts, the transfer of such suit, appeal, application or proceeding under this section shall not empower the Court to determine the said issue and the determination of such issue shall be made as if the transfer of the suit, appeal, application or proceeding was not made under this section.

(7) When any question arises regarding the validity of the transfer or re-transfer under this section of any suit, appeal, application or proceeding or if any question arises whether any issue is or is not entirely unconnected with the adjustment of debts, the Court before which such question arises, if it is not the District Court may refer the question for the decision of the District Court. If such question arises before the District Court, the District Court itself shall decide the same. The decision of the District Court in either case shall be final.

19. Taking of accounts.—If the Court finds the person making an application under section 4 or the person against whom an application is made under the said section 4 to be a person—

(*a*) who is a debtor, and

(*b*) the total amount of debts due from whom on the date of the application is not more than twenty thousand rupees,

the Court shall proceed to take accounts in the manner hereinafter provided.

20. Examination of creditor and debtor.—In an application for the adjustment of debts, if the amount of the creditors' claim is disputed, the Court shall, when taking accounts, examine both the creditor and the debtor as witnesses, unless, for reasons to be recorded, the Court deems it not necessary so to do.

21. Mode of taking accounts.—Notwithstanding any agreement between the parties or the persons, if any, through whom they claim as to allowing compound interest or setting off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account, and notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, the Court shall enquire into the history and merits of the case and take account between the parties from the commencement of the transacitons subsisting between the parties and the persons, if any, from whom they claim, out of which the claim has arisen and determine the amount due to each of the creditors at the date of the application made under section 4, according to the following rules, namely:—

(1) (*a*) separate accounts of principal and interest shall be taken;

(*b*) in the account of principal, there shall be debited to the debtor only such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor;

(*c*) in the accounts of principal and interest, there shall also be debited the amounts, if any, respectively due for principal (including costs) and interest under any decree or order passed by a competent Court in respect of any debt :

Provided that if such decree or order does not specify the amount of principal and interest separately, or does not contain any material for determining the same, two-thirds and one-third of the amount awarded by such decree or order shall, for the purposes of this clause be deemed to be the amount awarded on account of principal (including costs) and interest, respectively.

(2) In the case of transactions which commenced before the 1st January, 1941, the Court shall take the account up to the date of the institution of the application and in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties or at a rate not exceeding twelve per cent. per annum, whichever is the lowest. The amount found due in respect of principal as well as in respect of interest, shall, each separately, be reduced by forty per cent. notwithstanding that a decree or order of a Civil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(3) In the case of transactions which commenced on or after the 1st January, 1941, but before the 1st January, 1950, in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties or at a rate not exceeding nine per cent. per annum, whichever is the lowest. The amount found due on the date of the institution of the application in respect of principal, as well as in respect of interest, shall, each separately, be

reduced by thirty per cent, notwithstanding that a decree or order of a Civil Court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amount due in respect of principal and interest on the date of the institution of the application.

(4) In the case of transactions which commenced on or after 1st January 1950, in the account of interest, there shall be debited to the debtor simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties, or at a rate not exceeding six per cent per annum, whichever is the lowest.

(5) All money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description received by the creditor in the course of the transactions (estimated, if necessary, at such money value as the Court in its discretion may determine) shall be credited first in the account of interest and when any payment is more than sufficient to discharge the balance of interest due at the rate specified in rule (2), 3) or (4) as the case may be, the residue of such payment shall be credited to the debtor in the account of principal.

(6) The accounts of principal and interest shall be made up to the date of the institution of the application, and the aggregate of the balance, if any, appearing due on both such amounts against the debtor on that date shall be deemed to be the amount due on that date, except when the balance appearing due on the interest-account exceeds that appearing due on the principal account, in which case, double the latter balance shall be deemed to be the amount then due:

Provided that where the transaction between the parties have commenced more than thirty years before 30th January 1950 any settlement of accounts which has been last arrived at between the parties before the said period of thirty years and which is in writing and bears the signature of the debtor or the person through whom the liability is derived shall be accepted as binding between the parties and no enquiry into the history and merits of the case shall be made prior to the date of such settlement.

22. **In certain cases rent may be charged in lieu of profits.**—Where any mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor and the Court is unable to determine what profits have actually been received, it may fix a fair rent for the property and charge to the mortgagee such rent as profits for the purpose of section 21:

Provided that if it be proved that in any year there was any suspension or remission of rent or land revenue of such land under any law, an abatement of the whole or part of such amount may be allowed for the year.

23. Power of Court to declare transfer purporting to be a sale to be in the nature of mortgage.—(1) Notwithstanding any thing to the contrary contained in any law, custom or contract, whenever it is alleged during the course of the hearing of an application made under section 4, that any transfer of land by a person whose debts are being adjusted under this Act or any other person through whom he inherited the land was a transfer in the nature of a mortgage, the Court shall declare the transfer to be a mortgage, if the Court is satisfied that the circumstances connected with that transfer showed it to be in the nature of a mortgage.

(2) Any agricultural labourer may make an application before the expiry of one year after the commencement of this Act, to the Court that any transfer of land by him or any other person through whom he inherited it was a transfer in the nature of a mortgage. On hearing the application, the Court shall, notwithstanding anything to the contrary contained in any law, custom or contract declare the transfer to be a mortgage, if it is satisfied that the circumstances connected with the transfer showed it to be in the nature of a mortgage. When the Court makes any such declaration, the applicant shall, notwithstanding anything contained in the definition of "debtor" in clause (5) of section 2, be deemed to be a debtor for the purposes of this Act and the Court shall proceed as if an application under section 4 had been made to it.

Explanation.—An 'agricultural labourer' means a person who earns his livelihood by engaging himself in agricultural operations on agricultural land, either as a tenant or a servant or a hired labourer.

24. Provisions of section 23 not to apply to certain transfers and transferees.—Nothing in section 23 shall apply to—

(i) a transfer which has been finally adjudged to be a transfer other than a mortgage by a decree of a Court of competent jurisdiction or by a Board established under the repealed Debt Conciliation Act; and

(ii) any *bona fide* transferee for value without notice of the real nature of such transfer or his representative, where such transferee or representative holds under a registered deed executed on or before the commencement of the repealed Debt Conciliation Act.

25. Notice to Deputy Commissioner, Registrar of Co-operative Societies, Local Authorities and others.—(1) On receipt of an application for adjustment of debts, the Court shall give notice to the Deputy Commissioner, requiring him to state to the Court within such time as may be fixed by it, the amount of the debt due by the debtor to Government.

(2) The Court shall also give similar notice to any Local Authority, Co-operative Society or Scheduled Bank, to which any debt may be due by the debtor and also to any person who is entitled to maintenance from the debtor under a decree or order passed by a competent Court. In the case of any debt due to a Co-operative Society, the Court shall also give notice to the Registrar of Co-operative Societies or to such officer as the Registrar may nominate in this behalf.

(3) On receipt of such notice, the Deputy Commissioner, the Local Authority, the Co-operative Society or the Scheduled Bank or the person entitled to maintenance, as the case may be, shall, within such time, as may be fixed by the Court, from time to time, submit a statement to the Court showing the total amount of the debt due by the debtor, as also any recurring liability against such debtor, in respect of the liability for maintenance under the decree or order.

(4) The Deputy Commissioner, the Co-operative Society and the Scheduled Bank shall also furnish a statement to the Court showing the amount of remission which the State Government, the Co-operative Society or the Scheduled Bank, as the case may be, is willing to give in respect of the debt.

(5) The portion of any debt remitted under sub-section (4), and unless the Court otherwise directs any debt or portion thereof in respect of which no statement is submitted under sub-section (3), shall be extinguished.

26. Court's duty to determine particulars, value, etc., of property.—After taking accounts under section 21, the Court shall, in the manner hereinafter provided, determine—

(i) the particulars of the property belonging to the debtor;

(ii) the value of the said property;

(iii) the particulars of property and encumbrances on the said property; and

(iv) the paying capacity of the debtor.

27. Fraudulent alienations or incumbrances void.—(1) If, in the course of the hearing of an application made under section 4, the Court finds that the debtor has made an alienation of property or created any incumbrance thereof with intent to defeat or delay any of his creditors, the Court shall, by notice, summon the debtor and the person in whose favour the alienation or incumbrance is made or created, to appear before it on a date to be specified in the notice.

(2) On the day specified in the notice or such other day to which the hearing may be adjourned, the Court shall hear the parties and record evidence as may be produced and if it is satisfied that the alienation was made or the incumbrance was created with intent to defeat or delay any of the creditors of the debtor, the Court shall declare the alienation or incumbrance to be void.

(3) Nothing in this section shall impair the rights of an alienee or the holder of an encumbrance in good faith and for valuable consideration.

28. Value of property of debtor to be determined by Court in prescribed manner.—(1) Subject to the provisions of sub-sections (2), (3) and (4), the value of the property and other assets of a debtor for purposes of ascertaining the paying capacity of the debtor under section 29. shall be determined by the Court in the prescribed manner.

(2) The property or assets which are exempt from attachment in execution of a decree of a Civil Court under the Code of Civil Procedure, 1908, shall not be taken into account.

(3) The amount of the debts mentioned in section 3 shall be deducted.

(4) The market value of the lands, which, under any law for the time being in force, are not transferable or alienable, except with the previous sanction of the Deputy Commissioner or the State Government, shall be calculated in such manner as may be prescribed.

29. Paying capacity.—The paying capacity of the debtor, shall, for the purpose of this Act, be deemed to be sixty per cent of the value of all the property of the debtor :

Provided that, when any portion of such property yields income, but the market value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalised at six per cent per annum.

30. Debts payable by debtors to be scaled down.—(1) Notwithstanding any law, custom, contract, award or decree of a Court to the contrary, the amounts found due under section 21 from a debtor, shall be further scaled down in the manner hereinafter provided.

(2) If all the debts found due by a debtor after taking accounts under section 21 are unsecured, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under section 21 are secured debts, and the total amount of such debts is more than sixty per cent of the value of the property belonging to the debtor, such debts shall be further scaled down *pro rata* to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under section 21 are both secured and unsecured and if the total amount of secured debts is more than sixty per cent of the value of the property, on which such debts are secured, the secured debts shall be

further scaled down *pro rata* to sixty per cent of the value of the property on which such debts are secured and the unsecured debts shall be further scaled down *pro rata* to sixty per cent of the value of the other property belonging to the debtor over which no debts are secured.

31. Award.—(1) After determining the amount of debts scaled down in the manner provided in section 30, the Court shall, save as otherwise provided in section 32, make an award.

(2) The award shall be in the prescribed form and shall be drawn up subject to the following provisions:—

(i) the amount of the secured debts scaled down shall be charged on the properties on which they may have been secured;

(ii) subject to clause (i), the amount of unsecured debts shall be charged on all the properties of the debtor unless all the creditors declare in writing that the unsecured debts due may not be charged on any of the properties of the debtor;

(iii) in fixing the priority in which debts shall be paid, the following order shall be followed:—

(*a*) debts due to Government, which are charged on the immoveable property belonging to the debtor or which are recoverable as the current year's land revenue;

(*b*) debts due to local authorities, which are charged on the immoveable property belonging to the debtor or which are recoverable as the current year's dues;

(*c*) loans given by persons authorised under section 61 for seasonal finance under this Act;

(*d*) secured debts in order of priority;

(*e*) debts due to Government, local authorities and other bodies including Co-operative Societies, and recoverable as arrears of land revenue;

(*f*) other debts due to co-operative societies,

(*g*) unsecured debts:

Provided that in the case of unsecured debts they shall be paid *pro rata*.

(iv) the total annual instalments shall not exceed twelve:

Provided that in fixing the amount of instalments in which the debts shall be paid the Court shall ascertain the net annual income of the debtor and the annual instalments payable by the debtor shall not exceed his net annual income.

Explanation.—For purposes of this clause, the net annual income of the debtor shall mean the balance of his annual income after deducting—

(*a*) such sum as may be considered necessary for the payment of the liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent Court;

(*b*) such sum as may be considered necessary for the maintenance of the debtor and his dependents; and

(*c*) the sum required by the debtor to pay the assessment and taxes in respect of current year to Government, and local authorities, and to pay off loans borrowed for the purpose of seasonal finance under this Act.

(v) the Court may pass an order for the delivery of possession of any property and to account for and pay the mesne profits of such property till delivery, notwithstanding any law or contract to the contrary;

(vi) the rate of interest shall not exceed six per cent per annum or such less rate as may be notified in this behalf by the State Government or the rate agreed upon between the parties when the debt was originally incurred or the rate allowed by the decree in respect of such debt whichever is the lowest.

32. Court to prepare scheme for adjustment of debts throug Land Development Bank.—(1)Where the amount of debts of the debtor as scaled down under section 30 exceeds half the value of the debtor's immovable property, as determined under section 26, the Court shall intimate to the creditors the amount of the said debts of the debtor and the said value of the debtor's immovable property and call upon them to state in writing within a specified period, not

exceeding one month, whether they agree to the further scaling down of the said debts so as to reduce them to a sum not exceeding half the said value of the immoveable property of the debtor. If a majority in number and three-fourths in value of all the creditors agree to the further scaling down of the debts, the Court shall make an order directing the debtor to pay the amount of such debts so agreed upon within a period of one month from the date of the order.

(2) Unless the debtor pays the amount of such debts within a period of one month from the date of the order or such extended period not exceeding one month as the Court may allow and produces the creditors receipts therefor, the Court shall prepare a scheme embodying the terms of an award to be passed under this section for adjustment of the debts and shall send the scheme to the primary Land Development Bank situated in the local area and if there is no such primary Land Development Bank in that local area, to the Mysore Central Co-operative Land Development Bank, for acceptance within a period of two months from the date of receipt by it of the scheme. If the primary Land Development Bank or the Mysore Central Co-operative Land Development Bank, as the case may be, agrees to accept the scheme, or does not inform the Court within the period of the said two months that it does not agree to accept the scheme, the Court shall make an award in the prescribed form directing that the Land Development Bank concerned shall pay the creditors in cash the debt as finally scaled down or if the creditors so desire, in bonds issued by the Mysore Central Co-operative Land Development Bank, such bonds being guaranteed by the State Government, for such amount in full satisfaction of all the debts due to them from the debtor. The Court shall further direct that such amount shall be charged on all the immoveable properties of the debtor and such charge shall be deemed to be a mortgage executed in favour of the Land Development Bank.

(3) The Bank shall be entitled to recover the amount due to it from the debtor in such annual instalments as may be fixed by the Court, having regard to the circumstances of the debtor and the bye-laws of the Bank. The amount of principal shall carry, and be recoverable together with interest at such rate not exceeding nine per cent per annum, as the State Government may notify in this behalf from time to time.

(4) All sums due under an award made in favour of the Bank under this section shall, without prejudice to any other mode of recovery allowable by law, be recoverable as arrears of land revenue:

Provided that any application for the recovery of such sums as arrears of land revenue shall be made to the Deputy Commissioner and shall be accompanied by a certificate signed by the Court.

33. No recovery of amounts in excess of debts scaled down.—The amount of debts scaled down under section 30 or further scaled down under section 32 shall, for purposes of this Act, be the amount due by the debtor in respect of the said debts and the portion of the debts in excess of this amount shall be extinguished.

34. Debts not to be scaled down in case of collusion.—If the Court making an award under section 31 is at any stage of the proceeding satisfied—

(i) that the debtor had in collusion with any creditor furnished in such proceeding, incorrect information in respect of the debt due by him to such creditor with a view to defeat the lawful claims of any other creditor, the Court may refuse to scale down any of the debts of such debtor in the manner provided in section 30 and may make an award for the full amount of the debts due from such debtor;

(ii) that any claim by any creditor in such proceeding had been put forward in collusion between the debtor and such creditor with a view to defeat the lawful claims of any other creditor, the Court shall order that the debt due by the debtor to such creditor shall be extinguished and such debt shall not be recoverable.

35. Ex-parte proceedings if any party does not appear.—(1) Notwithstanding that the person for the adjustment of whose debts an application has been made under section 4 or any of his creditors does not appear on the date fixed for the hearing of the application or on any date to which it may be adjourned, the Court shall proceed *ex-parte* to hear the application, decide the preliminary issues and if necessary, make the award, on the evidence available.

(2) When an application made under section 4 is heard and disposed of *ex-parte* under sub-section (1), the decision on the

preliminary issues or the award shall not, except for sufficient reasons, be reopened merely on the ground that any of the parties thereto did not appear at the hearing.

36. Reopening of award and adjustment of debts.—If, after an award is made under section 31, the Court finds on an application made to it by any party or otherwise, that the debtor has either property which was not disclosed to the Court when the award was made, or that any property included in the award did not belong to the debtor, the Court may, notwithstanding anything contained in this Act, reopen the award, and readjust the debts in accordance with the provisions of this Act:

Provided that where the Court is satisfied that the non-disclosure of such property was in consequence of any fraud on the part of the debtor, the Court in revising the award shall not give the debtor the benefit of section 30.

37. Award to be registered.—(1) Every award made under this Act if it is in respect of debts charged on the properties of the debtor shall, on payment of the court fee payable under section 44, be registered in the manner provided in Chapter III.

(2) The court fee on the award shall be paid by the party ordered by the Court to bear the costs:

Provided that any creditor who is not ordered to bear the costs may pay such court fee. Such creditor shall be entitled to recover the amount of court fee paid by him from the debtor with the first instalment payable to him under the award:

Provided further that no court fee shall be payable by a co-operative society.

38. Award how executed.—The award shall be executed as follows:—

(i) If the debtor makes default in the payment of any instalment due under the award to any creditor, such creditor may apply in the prescribed form to the Court for execution of the award.

(ii) If the Court on receipt of such application is satisfied that the debtor has made default in the payment of the instalment, the Court shall execute the award as if it were a decree passed by it:

Provided that nothing in clauses (i) and (ii) shall affect the right of Government, a local authority or a co-operative society to have recourse to any mode of recovery allowable by any law for the time being in force.

(iii) If the Court has passed an order for the delivery of possession of any property under clause (v) of sub-section (2) of section 31, such order shall on application be executed by the Court as if it were a decree passed by it.

39. Postponement of payment of instalments in case of remission, etc.—(1) Whenever from any cause the payment of one half or more of the land revenue payable to the State Government is suspended or remitted, the payment of the whole of the instalment due for that year and the full amount of the instalment due for each subsequent year under an award made under sections 8, 9, 31 or 32, shall be postponed for one year.

(2) Whenever from any cause the payment of any portion less than one half of the land revenue payable to the State Government is suspended or remitted, one half of the amount of instalment for that year and the full amount of the instalment due for each subsequent year under an award made under sections 8, 9, 31 or 32 shall be postponed for one year.

40. No alienation by debtor before discharge of debts to be valid.—Notwithstanding any law or contract, but subject to the provisions of section 41 and section 62 no alienation of any property belonging to a debtor who is a party to any proceedings under this Act, or an award registered under this Act, made by him before all his debts are discharged shall be valid, unless it is made with the previous sanction of the Court.

41. Court may order sale of debtor's property in liquidation of his debt.—If the Court or the Court hearing an appeal against the award, is at any time satisfied that it is in the interest of a debtor that any part of his property should be sold in liquidation of his debt or part thereof, such Court may permit the debtor to sell such part of the property for such purpose within a specified period. If the debtor fails so to sell it, such Court may order an officer of the Court to sell the same. The property ordered to be sold under this section shall be sold by such officer in the manner prescribed:

Provided that the part of the property ordered to be sold under this section shall not exceed the part liable to be sold under sub-section (3) of section 54.

42. Legal Practitioners excluded from appearance.—Except in proceedings under sections 23, 27 and 38, no legal practitioner shall be entitled to appear on behalf of any party in any proceeding before the Court or the Court hearing an appeal under this Act:

Provided that such Court in the interest of justice and for reasons to be recorded in writing may allow the parties to be represented at their cost by a legal practitioner:

Provided further that the fees of such legal practitioner shall not be allowed as part of the costs in any proceeding under this Act:

Provided also that if an officer of Government is appointed or declared by a competent Court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Court or the Court hearing the appeal. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

43. Appeals.—Notwithstanding anything contained in any other law—

(1) an appeal shall lie:—

(*a*) from every order passed under sub-section (3) of section 8;

(*b*) from every order passed under section 17;

(*c*) from every order passed under section 23;

(*d*) from every order passed under section 27;

(*e*) from every order passed under sub-section (2) of section 35

(*f*) from every award made under this Act other than an award made in terms of settlement under sub-section (4) of section 8, or under section 9 or an award made under section 32 before the making of which the creditors

agreement has been obtained under sub-section (1) thereof or an award before the making of which neither the debtor nor any of the creditors produced evidence to enable the Court to determine the amount of debt due from the debtor;

(g) from an order made under sub-section (1) or (2) of section 54, adjudicating the debtor an insolvent, provided that no appeal shall lie from such order, except on the ground that the insolvent has failed to disclose all the material facts relating to his assets and liabilities;

(2) an appeal from the Court shall lie to the Court of the Civil Judge unless the Court is the Court of the Civil Judge, when an appeal shall lie to the District Court. The appeal shall be made within sixty days from the date of the order or award as the case may be;

(3) no second appeal shall lie against any decision, order or award of the Court under this Act.

44. Court Fees.—(1) Notwithstanding anything contained in the Mysore Court Fees and Suits Valuation Act, 1958, court fees payable in respect of proceedings under this Act shall be at the following rates:—

(i) On an application under sub-section (1) of section 4 or section 8 or an award under sub-section (4) of section 8 or section 9;	Rupee one.
(ii) On an award other than an award specified in clause (i);	Rupee one for every hundred rupees or part thereof, of the amount of the award, subject to a maximum of fifty rupees.
(iii) On an appeal against a decision of th Court under sub-section (3) of section 8 or sub-section (2) of section 17;	Rupees two.
(iv) On an appeal other than an appea specified in clause (iii);	Rupee one for every hundred rupees or part thereof, of the amount involved subject to a maximum of rupees fifty.

(3) Notwithstanding anything contained in any law, the court fee payable in respect of proceedings under this Act shall be a first charge on the property of the party ordered to pay the costs and shall be recoverable in such manner as may be prescribed.

45. Notice how served.—Any notice required to be served under this Act shall be served in the manner provided in the Code of Civil Procedure, 1908, until rules are made in that behalf under this Act, when it shall be served in such manner as may be prescribed.

46. Provisions of Civil Procedure Code to apply to proceedings. Save as otherwise expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings under this Chapter:

Provided that the Court may in an appropriate case and on such terms as may appear to it to be just, exercise its powers to add or strike out parties under rule 10 of Order I of the said Code in any proceeding pending before it under section 4 or section 23, notwithstanding the fact that such addition or striking out of parties is to be made after the period specified in section 4 or section 23, as the case may be, has elapsed.

CHAPTER III.

Registration of Awards.

47. Debt Adjustment Register and Index.—In all Registration Offices, a book called the "Register of Debt Adjustment Awards" and an index relating thereto shall be kept. The Book and Index shall be kept in such form and shall contain such particulars as may be prescribed.

48. Court to send Awards and Memorandum to Registrars and Sub-Registrars.—Where an award is required to be registered under section 37, it shall be the duty of the Court making an award to send to the Sub-Registrar of the Sub-District in which the property which is the subject matter of the award or any part of such property is situated, or if there is no Sub-Registrar for the area, to the Registrar

of the District in which the property or its part is situated, a certified copy of the award, after the court fee has been paid thereon in accordance with section 44, together with a Memorandum containing such particulars as may be prescribed.

49. Notice of appeals to Registrars.—If a party files an appeal against an award under section 43 and if such award has been registered under section 37, it shall be the duty of the Court in which the appeal is filed, to send to the Sub-Registrar or the Registrar to whom a certified copy of the award has been sent under section 48, a notice regarding the institution of the appeal.

50. Registration.—After the expiry of the period provided for an appeal against an award, if no appeal is filed or if an appeal is filed, after the disposal of the said appeal, the Sub-Registrar or the Registrar, as the case may be, shall register the award in the Register of Debt Adjustment Awards and shall also enter particulars in the Index kept under section 47.

51. Registration of awards under the repealed Debt Conciliation Act.—All awards made under the repealed Debt Conciliation Act, whether registered before the commencement of this Act under the provisions of the said Act or not, shall be registered under this Chapter.

Provided that, notwithstanding anything contained in section 46 no additional court fee shall be paid on such awards under the said section.

52. Notice of awards.—Any person acquiring any property or any part thereof, or any share or interest in, the property of a debtor, for adjustment of whose debts an award has been made, and registered, shall be deemed to have notice of the award as from the date of the registration under this Chapter.

53. Application of the Indian Registration Act.—Except as herein provided, the provisions of the Indian Registration Act, 1908, shall *mutatis mutandis* apply to the registration of awards, and the words and expressions used in this Chapter, but not defined in this Act, shall have the meanings assigned to them in the Indian Registration Act, 1908.

CHAPTER IV.

INSOLVENCY PROCEEDINGS.

54. Court to declare debtor insolvent in certain circumstances.—(1) If, at any stage of the proceedings under Chapter II, the Court finds that the income of the debtor and his immovable property are not sufficient to allow his debts to be liquidated by annual payments not exceeding twelve in number the Court shall make an order adjudicating the debtor an insolvent.

(2) If, at any time after the expiration of two years from the date of an award, the debtor satisfies the Court that there is no reasonable probability of his being in a position to pay the remaining amount of instalments fixed under the award, the Court may, notwithstanding anything contained in this Act, after giving notice to the creditors, modify the terms of the award and reduce the amount of the instalments as it may think fit, provided that the total annual instalments in which the balance of the debts shall be paid in such instalments shall not exceed twenty, or the Court may make an order adjudicating the debtor an insolvent.

(3) After the debtor has been adjudicated an insolvent, the Court shall direct that such portion of the property of the debtor, other than the property of such debtor exempt from attachment and sale under section 60 of the Code of Civil Procedure, 1908 (excluding such portion thereof as the State Government shall from time to time notify as the minimum necessary for the maintenance of the debtor and his dependents) as may be required to liquidate the debts of the debtor, shall immediately be sold free of all encumbrances in liquidation of all debts outstanding against such debtor.

55. Procedure in insolvency proceedings.—An order of adjudication made under sub-section (1) or (2) of section 54 shall have the force of an order made by a competent Court in the exercise of its powers under section 27 of the Provincial Insolvency Act, 1920.

56. Distribution of assets of insolvent.—The proceeds realised by the sale of the property of the insolvent under section 54 shall be distributed in the order of priority specified in clause (iii) of sub-section (2) of section 31.

57. Bar to application in insolvency in any other Courts.—No application or proceeding in regard to the insolvency of a debtor shall be dealt with by any other Court.

58. Appeals barred.—Save as provided by sub-clause (g) of clause (1) of section 43, no appeal shall lie from an order passed under this Chapter.

CHAPTER V.

MISCELLANEOUS.

59. Bar of civil suits or proceedings.—Except as otherwise provided by this Act, and notwithstanding anything contained in any other law, no civil Court shall entertain or proceed with any suit or proceeding in respect of—

(i) any matter pending before the Court under this Act, or

(ii) the validity of any procedure or the legality of any award, order or decision of the Court or of the Board established under the repealed Debt Conciliation Act, or

(iii) the recovery of any debt made payable under such award.

60. Period of proceedings before courts under this Act to be excluded.—In computing the period of limitation for the institution of any suit or proceeding in respect of any debt due from any person who is held not to be a debtor by the Court or the Court in appeal or an application relating to which has been dismissed by the Court or the Court in appeal, the period during which the proceedings in respect of such debt were prosecuted before the Court or the Court in appeal shall be excluded.

61. Power of Government to authorise any person to advance loans to debtors.—(1) The State Government or any officer empowered by it may, by notification, authorise in any local area any person to vance loans for financing of crops or seasonal finance to debtors, who are parties to any proceedings under this Act or in respect of whose debts an adjustment has been made under this Act.

(2) Such authority shall be granted on such conditions as may be prescribed.

62. Alienation of standing crops, etc., before repayment of loans prohibited.—(1) No person, who is or was a party to any proceedings or award under this Act, and who is indebted to any person authorised to advance loans under section 61 of this Act on account of any loan advanced to him for the financing of the crops or seasonal finance under this Act, shall hypothecate or sell the standing crops or the produce of his land without the previous permission of the person until such loan has been repaid in full.

(2) Any person, who hypothecates or sells the standing crops or the produce of his land in contravention of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees.

(3) No criminal court shall take cognizance of any offence under this section, except on the complaint in writing of the Court before which the proceedings were held or which made the award.

63. Rules.—(1) The State Government may, by notification and subject to the condition of previous publication, from time to time, make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(*a*) the purposes for which loans may be advanced under clause (12) of section 2 ;

(*b*) the form of application under sub-section (2) of section 4 and the manner of signing, verification and presentation thereof ;

(*c*) the form of application and the manner of signing and verification thereof under sub-section (2) and the manner of giving notice under sub-section (3) of section 8 ;

(*d*) the manner of giving notice and publication of general notice and the form of statement to be submitted under section 14 ;

(*e*) the inventories of property, lists of creditors and of debtors and of debts due to and from the debtor, the examination in respect of property or creditors, the time at which the

debtors shall attend before the Court and do other things in relation to property under sub-section (1) of section 16 and the production of books of account, the examination to be submitted to and the information to be supplied by a creditor in respect of the debt due to him by the debtor under sub-section (2) of section 16;

(*f*) the manner of determining the value of property and other assets under sub-section (1) and the manner of calculating the market value of the lands under sub-section (4) of section 28;

(*g*) the form of award under sub-section (2) of section 31 and sub-section (2) of section 32;

(*h*) the form of application under clause (i) of section 38;

(*i*) the manner in which property may be sold under section 41;

(*j*) the manner of recovery of court fees under sub-section (2) of section 44;

(*k*) the manner of service of notice under section 45;

(*l*) the form of and the particulars to be included in the Register of Debt Adjustment Awards and the Index kept under section 47;

(*m*) the particulars to be included in the Memorandum under section 48, and

(*n*) the conditions on which authority to grant loans shall be granted under sub-section (2) of section 61.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Repeal and savings.—(1) The Mysore Debt Conciliation Act, 1937 (Mysore Act No. VI of 1937), the Madras Debt Conciliation Act, 1936 (Madras Act XI of 1936) and the Debt Conciliation Act, 1940 (Coorg Act II of 1940), are hereby repealed and all Boards established under the repealed Acts shall stand dissolved from the date of repeal in the respective Areas :

Provided that—

(*a*) all proceedings pending before any such Board on the date this Act comes into force shall, subject to the pecuniary limits of the jurisdiction of the Court, be continued and disposed of by the Court under this Act, as if the application under section 4 had been made to the Court in respect thereof ;

(*b*) all awards made, confirmed or modified under the repealed Act shall be deemed to have been made, confirmed or modified under this Act, as if this Act was in force on the date when the said awards were made, confirmed or modified as the case may be ;

(*c*) all appeals pending before any Court under the repealed Acts against the decision, order or award of such Board shall be continued and disposed of, as if the said appeals were filed under the provisions of this Act ; and

(*d*) all appeals which could have been filed under the repealed Acts against any decision, order or award of such Board, but which could not be filed only by reason of the fact that the said Act was repealed by this Act shall, when filed before a competent Court, be deemed to have been filed under the provisions of this Act and shall be disposed of accordingly.

(2) The Mysore Agriculturists' Relief Act, 1928 (Mysore Act XVIII of 1928), the Madras Agriculturists' Relief Act, 1938 (Madras Act IV of 1938), the Bombay Agricultural Debtors Relief Act, 1947 (Bombay Act XXVIII of 1947), and the Hyderabad Agricultural Debtors Relief Act, 1956 (Hyderabad Act XVI of 1956), are hereby repealed :

Provided that such repeal shall not affect the previous operation of the Acts so repealed and anything done or any action taken (including Courts established or constituted, rules or orders made,

forms prescribed, notifications or notices issued and proceedings instituted) by or under the provisions thereof, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act :

Provided further that all proceedings pending before any Court or authority shall stand transferred to the competent Court or authority under this Act, and if there be a doubt as to the competency of the Court or authority, to such Court or authority as the High Court may designate and shall be continued before and disposed of by such Court or authority.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Stationery and Publications at the Govt. Press, Bangalore.

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 52 LGN 66, Bangalore, dated 9—12th December 1966.

Ordered that the **Mysore Appropriation (No. 6) Act, 1966**, which received the assent of the Governor on the Seventh day of December 1966, be published as Mysore Act No. 31 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 31 OF 1966

(First published in the Mysore Gazette *dated the Fifteenth day of December* 1966).

THE MYSORE APPROPRIATION (No. 6) Act, 1966.

(Received the assent of the Governor on the Seventh day of December 1966).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1966–67.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1966–67;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation (No. 6) Act, 1966.

2. Issue of rupees 3,89,07,416 out of the Consolidated Fund of the State for the financial year 1966–67.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores, eighty-nine lakhs, seven thousand, and four-hundred and sixteen rupees towards defraying the several charges which will come in course of payment during the financial year 1966-67 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(*See* sections 2 and 3)

No. of Demand	Services and Purposes	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	
1	2	3	4	5
		Rs.	Rs.	Rs.
	A. EXPENDITURE MET FROM REVENUE.			
1	4 Taxes on Income other than Corporation Tax ..	100		100
9	18 Parliament, State/Union Territory Legislature	4,97,000		4,97,000
10	19 General Administration ...	2,24,010		2,24,010
15	26 Miscellaneous Departments ...	18,00,000		18,00,000
17	28 Education ...	100		100
20	31 Agriculture ...	200		
21	32 Rural Development ...	14,000		14,000
22	33 Animal Husbandry ...	100		100
23	34 Co-operation ...	500		
24	35 Industries ...	100		100
25	37 C. D. P., N.E.S. and L. D. works ...	25,00,000	...	25,00,000
26	38 Labour and Employment ...	...	1,51,006	1,51,006
30A	45 Electricity Schemes ...	4,60,000	...	4,60,000
31	50 Public Works ...	1,98,000		1,98,000
33	64 Famine Relief ...	66,00,000	...	66,00,000
	...	1,17,94,110	1,51,006	1,19,45,116

No. of Demand		Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
1	2	3	4	5
		Rs.	Rs.	Rs.
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.			
44	96 Capital Outlay on Industrial and Economic Development ...	1,74,50,000		1,74,50,000
48	108 Capital Outlay on Public Works ...	5,12,100	...	5,12,100
	Total 'B' ...	1,79,62,100	...	1,79,62,100
	E. DISBURSEMENT OF ADVANCES AND LOANS.			
54	Q. Loans and Advances by State/Union Territory Governments ...	90,00,200	...	90,00,200
	Grand Total ...	3,87,56,410	1,51,006	3,89,07,416

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

ERRATUM

Please add and read the following page as page 206(a) after page 206 of the Mysore Agricultural Produce Marketing (Regulation) Act, 1966, published as Mysore Act No. 27 of 1966 in Part IV 2-B of the *Mysore Gazette*, dated 15th September 1966.

Compiler.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

PART IV

Section 2-B

MYSORE ACTS AND ORDINANCES.

NOTIFICATION

(LAW DEPARTMENT.)

No. LAW 20 LGN 66, Bangalore, dated 15th—16th December 1966.

Ordered that the Mysore Motor Vehicles Taxation (Amendment) Act, 1966, which received the assent of the Governor on the Fourteenth day of December 1966, be published as Mysore Act No. 33 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 33 OF 1966.

(First published in the Mysore Gazette *dated Twenty-second day of December 1966)*

THE MYSORE MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Fourteenth day of December 1966).

An Act further to amend the Mysore Motor Vehicles Taxation Act, 1957.

WHEREAS it is expedient further to amend the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Mysore Motor Vehicles Taxation (Amendment) Act, 1966.

(2) It shall come into force on the first day of January 1967.

2. Amendment of the Schedule.—In the Schedule to the Mysore Motor Vehicles Taxation Act, 1957 (Mysore Act 35 of 1957),—

(1) in Part A,—

(*a*) in item 3, for clause (l) of sub-item (*i*), the following clauses shall be substituted, namely :—

"(l)	Vehicles exceeding 10,500 Kgs. but not exceeding 12,000 Kgs. in weight laden.	800–00	1,200–00
(m)	Vehicles exceeding 12,000 Kgs. in weight laden.	The rate specified in item (l) *plus* Rs 25 for every 250 Kgs. or part thereof in excess of 12,000 Kgs.	The rate specified in item (l) *plus* Rs. 37–50 for every 250 Kgs. or part thereof in excess of 12,000 Kgs."

(*b*) for item 8, the following item shall be substituted, namely :—

"8. Motor Vehicles other than those liable to tax under the foregoing provisions of this schedule :—

	Rs. P.	Rs. P.
(a) Weighing not more than 750 Kgs. in weight unladen	30-00	39-00
(b) Weighing more than 750 Kgs., but not more than 1,500 Kgs. in weight unladen ...	40-00	55-00
(c) Weighing more than 1,500 Kgs., but not more than 2,275 Kgs., in weight unladen...	50-00	
(d) Weighing more than 2,275 Kgs., but not more than 3,050 kgs. in weight unladen...	60-00	84-00
(e) Weighing more than 3,050 Kgs. in weight unladen ...	75-00	105-00
(f) Additional tax payable in respect of such vehicles used for drawing trailers—		
(i) For each trailer not exceeding 1,000 Kgs. in weight unladen ; ...	12-00	18-00
(ii) For each trailor exceeding 1,000 Kgs. in weight unladen ; ...	24-00	36-00

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer."

(2) in Part B,—

(*a*) for item 3, the following item shall be substituted, namely :—

"3. Motor cars :—

	Rs. P.	Rs. P.
(a) Weighing not more than 750 Kgs. in weight unladen.	3 00	
(b) Weighing more than 750 Kgs. but not more than 1,500 Kgs. in weight unladen. ...	5 65	16 65
(c) Weighing more than 1,500 Kgs. but not more than 2,275 Kgs. in weight unladen. ...		

	Rs. P.	Rs. P.
(*d*) Weighing more than 2,275 Kgs. but not more than 3,050 Kgs. in weight unladen. ...	8 45	25 00
(*e*) Weighing more than 3,050 Kgs. in weight unladen. ...		31 25
(*f*) Additional tax payable in respect of such vehicles used for drawing trailers :—		
(i) For each trailer not exceeding 1000 Kgs. in weight unladen.		5 00
(ii) For each trailer exceeding 1000 Kgs. in weight unladen.	3 50	10 00

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer."

(*b*) in item 5, for clause (*k*) of sub-item (*i*), the following clauses shall be substituted, namely :—

"(k) Goods vehicles exceeding 10,500 Kgs. but not exceeding 12,000 Kgs. in weight laden.	120 00	360 00
(l) Goods vehicles exceeding 12,000 Kgs. in weight laden.	The rate specified in clause (k) *plus* Rs. 3–25 for every 250 Kgs. or part thereof in excess of 12,000 Kgs.	The rate specified in clause (k) *plus* Rs. 10 for every 250 Kgs. or part thereof in excess of 12,000 Kgs."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,

Law Department.

NOTIFICATION

(Law Department).

No. LAW 38 LGN 66, Bangalore, dated 16th December 1966.

Ordered that the **Mercara Municipality (Performance of Functions by the Ex-President) Validation Act, 1966,** which received the assent of the Governor on the Fourteenth day of December 1966, be published as Mysore Act No. 35 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 35 OF 1966.

(*First published in the* Mysore Gazette *dated the Twenty-second day of December* 1966).

THE MERCARA MUNICIPALITY (PERFORMANCE OF FUNCTIONS BY THE EX-PRESIDENT) VALIDATION ACT, 1966.

(*Received the assent of the Governor on the Fourteenth day of December* 1966).

An Act to validate the performance of certain functions by the ex-President of the Mercara Municipal Committee during the period from the 2nd June 1963 to the 2nd September 1963.

WHEREAS the President of the Mercara Municipal Committee continued to perform certain functions of the Committee after the expiry of his term of office on the 2nd June 1963 until the Tahsildar, Mercara, appointed under sub-section (2) of section 12 of the Coorg Municipal Regulation, 1907, to hold the office of the President, assumed charge of the office on the 2nd September 1963 ;

AND WHEREAS it is expedient to validate the performance of the said functions ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mercara Municipality (Performance of Functions by the Ex-President) Validation Act, 1966.

2. **Definition.**—In this Act, "ex-President" means the President of the Mercara Municipal Committee, whose term of office expired on the 2nd June 1963.

3. **Validation of certain functions, acts, etc.**—Notwithstanding anything contained in the Coorg Municipal Regulation, 1907 (Coorg Regulation II of 1907) and the rules made thereunder, functions performed by the ex-President during the period commencing on the 2nd June 1963, and ending on the 2nd September 1963 shall be deemed to have been validly performed by the Mercara Municipal Committee and accordingly,—

(a) all contracts by and all transactions with, the said ex-President, including any order made, anything done or any action taken, by which any property, asset or right was acquired or any liability or obligation in whatsoever manner was incurred during the said period shall be deemed to have been validly made, done or taken;

(b) no suit, prosecution or other legal proceeding shall lie against the said ex-President or any officer or servant of the Mercara Municipal Committee in respect of anything done or any action taken by them on the ground that the ex-President was not legally competent to function during the said period.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 28 LGN 66, Bangalore, dated 16th December 1966.

Ordered that the **Mysore Municipalities (Amendment) Act, 1966**, which received the assent of the Governor on the Fourteenth day of December 1966, be published as Mysore Act No. 34 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 34 OF 1966.

(First published in the Mysore Gazette *dated the Twenty-second day of December 1966).*

THE MYSORE MUNICIPALITIES (AMENDMENT) ACT, 1966

(Received the assent of the Governor on the Fourteenth day of December 1966)

An Act further to amend the Mysore Municipalities Act, 1964.

WHEREAS it is expedient further to amend the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964) ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Municipalities (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. *Amendment of section* 10.—In sub-section (1) of section 10 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964) (hereinafter referred to as the principal Act), after the words " sue and be sued " the words " through its Chief Officer or Municipal Commissioner " shall be added.

3. *Amendment of section* 43.—In section 43 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

"(2) The President of a municipal council may, in cases of emergency direct the execution or stoppage of any

work or the doing of any act which requires the sanction of the municipal council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the municipal council prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reason therefor to the standing committee at its next meeting."

4. *Amendment of section* 44.—In section 44 of the principal Act, in clause (*b*) of sub-section (2), the words "on leave" shall be omitted.

5. *Amendment of section* 47.—In sub-section (1) of section 47 of the principal Act after the words "transaction of business", the words " which shall be called an ordinary general meeting" shall be added..

6. *Insertion of new section* 71A.—After section 71 of the principal Act, the following section shall be and shall always be deemed to have been inserted, namely :—

"71A. *Staff of municipal council.*—Subject to the provisions of section 365 and the rules made under section 323, every municipal council shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties."

7. *Amendment of section* 106.—In section 106 of the principal Act, to sub-section (2) the following proviso shall be added, namely :—

"Provided that the Government may, if in its opinion it is necessary so to do, appoint such number of

officers not below the rank of an Assistant Commissioner as it thinks fit, to be revising authorities in respect of different areas in any municipality and when any such appointment is made, references to the revising authority in this section shall be construed as references to such revising authorities."

8. *Amendment of section* 109.—In section 109 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) Every part of the assessment list shall be completely revised not less than once in every four years, but it shall not be necessary to prepare a new assessment list every year." ;

(2) after sub-section (3), the following sub-section shall be and shall always be deemed to have been added, namely :—

"(4) Notwithstanding anything contained in the preceding sub-sections, until the revision of an assessment list or any part thereof, the assessment list prepared and authenticated in accordance with the provisions of this Act shall continue to be the authenticated assessment list in force."

9. *Amendment of section* 115.—In sub-section (1) of section 115 of the principal Act, for the words "not less than", the words "not more than" shall be substituted.

10. *Amendment of section* 125.—In section 125 of the principal Act, in sub-section (2), for the words " a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office ", the words " the Chief Officer or the Municipal Commissioner or such officer as the municipal council may appoint in this behalf " shall be substituted.

11. *Amendment of section* 150.—In sub-section (1) of section 150 of the principal Act, for the words " any magistrate by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried ", the words " the judicial magistrate having jurisdiction over the area concerned " shall be substituted.

12. *Insertion of new section* 213A.—After section 213 of the principal Act, the following section shall be inserted, namely :—

"213A. *Precaution in case of dangerous trees.*— (1) If any tree or any branch of a tree or the fruit of any tree appears to the Chief Officer or the Municipal Commissioner to be likely to fall and thereby endanger any person or any structure, the Chief Officer or the Municipal Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Chief Officer or Municipal Commissioner shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measure as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the same manner as an amount claimed on account of any tax recoverable under Chapter VII."

13. *Amendment of section* BRG.—In section 287 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely,—

"(1) The Chief Officer or the Municipal Commissioner shall, on or before the fifteenth day of January each year, prepare and submit to the municipal council a budget containing a detailed estimate of income and expenditure of the municipal council for the ensuing year commencing on the first day of April next following together with a complete account of the actual and expected receipts and

expenditure for the official year ending on the thirty-first day of March next following."

14. *Amendment of section* 315.—In section 315 of the principal Act,—

(1) in sub-section (1), after the words "curtail or extend", the words "either prospectively or retrospectively" shall be and shall always be deemed to have been inserted;

(2) in sub-section (2), for the words "the president, vice-president and other authorities", the words "the president and vice-president" shall be substituted.

15. *Amendment of section* 316.—In sub-section (3) of section 316 of the principal Act, after the words "be continued", the words "either prospectively or retrospectively" shall be and shall always be deemed to have been inserted.

16. *Amendment of section* 329.—In section 329 of the principal Act, in clause (a), for the words "perform all the duties", the words "subject to the control of the municipal council, perform all the duties" shall be substituted.

17. *Amendment of section* 330.—In section 330 of the principal Act—

(1) for the words "The Chief Officer shall exercise the powers", the words and figures "Subject to the control of the municipal council, the Chief Officer shall exercise the powers" shall be substituted;

(2) in the table annexed to clause (*e*), for the word and figures "section 112", the words and figures "sections 111 and 112" shall be substituted.

18. *Amendment of section* 338.—In clause (1) of section 338 of the principal Act, after the word, figure and brackets "sub-section (1)", the words, figure and brackets "or sub-section (2)" shall be inserted.

19. *Amendment of section* 343.—In section 343 of the principal Act,—

(1) in the heading, for the words "not subject to appeal except in certain cases", the words "subject to appeal" shall be substituted;

(2) the section shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, the words "or Chief Officer" shall be omitted;

(3) after sub-section (1), the following sub-section shall be inserted, namely :—

"(2) In respect of any order passed or anything done by the Municipal Commissioner which is not appealable to the municipal council under sub-section (1), an appeal shall lie to such officer as the State Government may by rules prescribe in this behalf."

20. *Amendment of section* 349.—In section 349 of the principal Act, after sub-section (4), the following sub-section shall be and shall always be deemed to have been added, namely :—

"(5) Subject to the provisions of sub-section (4) when the limits of the areas specified under sub-section (1) are altered by the inclusion of any area, the provisions of this Act or the rules or bye-laws applied to the notified area and the taxes, fees or cesses imposed therein, and all notifications, rules, bye-laws, orders, resolutions, directions and powers issued, made or conferred under the provisions of this Act or the rules or bye-laws so applied shall, notwithstanding anything contained in sections 351 and 353, be applicable to the said included area as from the date of inclusion of such area."

21. *Amendment of section* 361.—In section 361 of the principal Act, in sub-section (1), the words "which contains a population of not less than fifty thousand inhabitants as determined at the last preceding census" shall be omitted.

22. *Amendment of section* 382.—In section 382 of the principal Act, after the second proviso to sub-section (1), the following proviso shall be and shall always be deemed to have been inserted, namely :—

"Provided further that notwithstanding anything contained in the preceding proviso where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said laws at a rate higher than the maximum rate permissible under this Act, such tax, duty, fee or cess may continue to be imposed and collected at such higher rate unless and until superseded by anything done or any action taken under this Act."

23. *Amendment of Schedule II.*—In Schedule II to the principal Act, under the heading "Class I—Articles of food and drink", for the entries in serial numbers 12 and 13, the following entries shall be substituted, namely :—

"12.	Uncured coffee (cherry or parchment)	0—07 per forty litres
13.	Clean coffee (pounded or hulled)	0—30 per fifty kilo grams".

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 34 LGN 66, Bangalore, dated 16th December 1966.

Ordered that the **Madras Hindu Religious and Charitable Endowments (Mysore Amendment) Act, 1966,** which received the assent of the Governor on the Sixteenth day of December 1966, be published as Mysore Act No. 37 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 37 OF 1966.

(First published in the Mysore Gazette *dated the Twenty-second day of December, 1966.)*

THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (MYSORE AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Sixteenth day of December 1966.)

An Act to amend the Madras Hindu Religious and Charitable Endowments Act, 1951, as in force in the Madras Area.

WHEREAS it is expedient to amend the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act 19 of 1951), as in force in the Madras Area ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Madras Hindu Religious and Charitable Endowments (Mysore Amendment) Act, 1966.

2. **Amendment of section 39.**—In sub-section (1) of section 39 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act 19 of 1951), as in force in the Madras Area, for the words "five persons", the words "nine persons" shall be substituted.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

NOTIFICATION.

(LAW DEPARTMENT)

No. LAW 40 LGN 66, Bangalore, dated 16th December 1966

Ordered that the **Mysore Shops and Commercial Establishments (Amendment) Act, 1966**, which received the assent of the Governor on the Fourteenth day of December 1966, be published as Mysore Act No. 56 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 36 OF 1966.

(First published in the Mysore Gazette *on the Twenty-second day of December 1966).*

THE MYSORE SHOPS AND COMMERCIAL ESTABLISHMENTS (AMENDMENT) ACT, 1966.

(Received the assent of the Governor on the Fourteenth day of December 1966.)

An Act to amend the Mysore Shops and Commercial Establishments Act, 1961.

WHEREAS it is expedient to amend the Mysore Shops and Commercial Establishments Act, 1961 (Mysore Act 8 of 1962);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows —

1. **Short title and commencement.**—(1) This Act may be called the Mysore Shops and Commercial Establishments (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. **Amendment of section 2.**—In section 2 of the Mysore Shops and Commercial Establishments Act, 1961 (Mysore Act 8 of 1962) (hereinafter referred to as the principal Act), clause (r) shall be omitted.

3. **Amendment of section 39.**—In section 39 of the principal Act, in sub-section (2), for the words " the prescribed authority or if no authority is prescribed to the Commissioner of Labour ", the words " such officers having jurisdiction over such areas or such classes of employees as may be prescribed " shall be substituted.

4. Appeals in respect of pending matters and transfer of pending appeals.—(1) In respect of an order under sub-section (1) of section 39 of the principal Act made before the date of commencement of this Act (hereinafter in this section referred to as the said date) no appeal shall lie to the Commissioner of Labour after the said date, but an appeal shall lie to the appropriate appellate authority prescribed under sub-section (2) of the said section.

(2) All appeals and proceedings connected therewith in respect of orders referred to in sub-section (1), pending on the said date before the Commissioner of Labour shall on the said date stand transferred to the appropriate appellate authority referred to in sub-section (1) and shall be disposed of by such authority in accordance with law as if such appeals or proceedings had been preferred to that authority.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department.

NOTIFICATION

(Law Department.)

No. LAW 63 LYN 66, dated Bangalore, 16th December 1966.

Ordered that the **Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Second Amendment) Act, 1966** which received the assent of the Governor on the Fourteenth day of December 1966, be published as Mysore Act No. 32 of 1966 in the *Mysore Gazette*, for general information.

MYSORE ACT No. 32 OF 1966.

(*First published in the* Mysore Gazette *on the Twenty-second day of December 1966*).

THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS (SECOND AMENDMENT) ACT, 1966.

(*Received the assent of the Governor on the Fourteenth day of December 1966*).

An Act further to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act No. 9 of 1962).

WHEREAS it is expedient further to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act No. 9 of 1962);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Second Amendment) Act, 1966.

(2) It shall come into force at once.

2. Amendment of section 3.—In section 3 of the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962) (hereinafter referred to as the principal Act), in clause (a) of sub-section (3), for the words "one shall be the Head of the Department of Indian Medicine", the words "one shall be the Assistant Director

in charge of Indian Medicine of the Directorate of Health Service" shall be substituted.

3. Amendment of section 21.—In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The State Government, after consultation with the Board, may, by notification, amend the Schedule in such manner as it deems fit, and when any examination is added to the Schedule, the State Government may declare that it shall be a qualifying examination only when granted after a specified date."

4. Insertion of new section 36A.—After section 36 of the principal Act, the following section shall be inserted namely :—

"**36A. Prohibition of couching.**—(1) Notwithstanding anything contained in any law for the time being in force, no person other than a practitioner referred to in section 35 shall couch or attempt to couch or agree or offer by physical means or interference with the eye, to give vision to a person suffering from cataract, with or without that person's consent.

(2) Whoever contravenes the provisions of sub-section (1) or abets the contravention of the said provisions shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (2).

(4) A magistrate may take cognizance of an offence under this section,—

(*a*) on a report of a police officer; or

(*b*) on the information of any other person; or

(*c*) upon his own knowledge or suspicion that such an offence has been committed :

Provided that no cognizance shall be taken where the offence alleged was committed more than six months after the date the offence is said to have been committed."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-B

BANGALORE, TUESDAY, JANUARY 4, 1966
(PUSHYA 14, SAKA ERA 1887).

No. 1

NOTIFICATION.

No. GAD 1 ORB 66, dated Bangalore, the 4th January 1966.

Under Clause (1) of Article 164 of the Constitution, the Governor of Mysore, on the advice of the Chief Minister, is pleased to accept the resignation of Smt. Yashodhara Dasappa, Minister for Social Welfare.

By Order and in the name of the Governor of Mysore,

K. BALACHANDRAN,
Chief Secretary to Government.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, Blore.

Reg. No. B.G. 202.

The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY, FEBRUARY 19, 1966 (MAGHA SAKA ERA 1887) | No. 27

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 43 LGN 65, Bangalore, dated 19th February 1966.

Ordered that the Mysore Sales Tax (Amendment) Act, 1965 which received the assent of the President on the 12th day of February 1966, be published as Mysore Act No. 3 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 3 OF 1966.

(*First published in the* Mysore Gazette (Extraordinary) *on the Nineteenth day of February 1966*).

THE MYSORE SALES TAX (AMENDMENT) ACT, 1965.

(*Received the assent of the President on the Twelfth day of February 1966*).

An Act further to amend the Mysore Sales Tax Act, 1957.

WHEREAS it is expedient further to amend the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957) ;

BE it enacted by the Mysore State Legislature in the Sixteenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Sales Tax (Amendment) Act, 1965.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 5.—In section 5 of the Mysore Sales Tax Act, 1957 (hereinafter referred to as the principal Act),—

(1) in the second proviso to sub-section (1), for the words "gunny bags and bardans", the words "gunny bags and bardans and hessian cloth" shall be substituted ;

(2) in sub-section (2), for the words, figures and brackets "on the sale of any goods in respect of which he has furnished a declaration under sub-section (4) of section 8 of the Central Sales Tax Act, 1956", the words, figures and brackets "on the sale of any goods which he has purchased in the course of inter-state trade or commerce in respect of which the concessional rate of tax under clause (b) of sub-section (1) of section 8 of the Central Sales Tax Act, 1956, has been levied" shall be substituted ;

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) Notwithstanding anything contained in sub-section (1) or sub-section (3), the tax payable by a dealer in respect of any sale of goods mentioned in the Second Schedule by such dealer to a registered dealer for use by the latter as component part of any other goods mentioned in that Schedule, which he intends to manufacture inside the State for sale, shall be at the rate of two per cent or the rate specified in the Second Schedule in respect of such goods whichever is lower on the turnover relating to such sale:

PROVIDED that the provisions of this sub-section shall not apply to any sale unless the dealer selling the goods furnishes to the assessing authority in the prescribed manner a declaration duly filled in and signed by the dealer to whom the goods are sold containing the prescribed particulars in a prescribed form obtained from the prescribed authority.

Explanation:—For the purpose of this sub-section, "component part" means an article which forms an identifiable constituent of the finished product and which along with others goes to make up the finished product."

3. Amendment of section 12.—In section 12 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :—

"(4) When making any assessment under sub-section (3), the assessing authority may also direct the dealer to pay, in addition to the tax assessed, a penalty not exceeding one and a half times the amount of tax due on the turnover that was not disclosed by the dealer in his return or, in the case of failure to submit a return, one and a half times the tax assessed, as the case may be."

4. Amendment of section 12 B.—After sub-section (2) of section 12 B of the principal Act, the following proviso shall be inserted, namely :—

"Provided that in the case of an assessment made under clause (*b*) or clause (*c*), the assessing authority may make a fresh assessment under clause (*a*) if on the completion of the final assessment for the preceding year it is found that the amount of tax finally assessed for the preceding year is more than the amount of tax provisionally fixed for the current year under clause (*b*) or clause (*c*)."

5. Amendment of section 13.—In section 13 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), the State Government may, subject to such conditions as may be prescribed, remit the whole or any part of the penalty payable in respect of any period by any person or class of persons."

6. Amendment of section 17.—In sub-section (1) of section 17 of the principal Act, for the table of rates, the following table shall be substituted, namely :—

Total turnover	Rate
(i) Where the total turnover is not less than seven thousand and five hundred rupees but is less than ten thousand rupees.	Seven rupees and fifty paise per mensem.
(ii) Where the total turnover is not less than ten thousand rupees, but is less than fifteen thousand rupees.	Fifteen rupees per mensem.

Total turnover	Rate
(iii) Where the total turnover is not less than fifteen thousand rupees, but is less than twenty thousand rupees.	Twenty rupees per mensem.
(iv) Where the total turnover is not less than twenty thousand rupees, but not more than twenty five thousand rupees.	Twenty five rupees per mensem.

"

7. **Amendment of section 18.**—In section 18 of the principal Act, sub-sections (3) and (4) shall be omitted.

8. **Amendment of section 22.**—In sub-section (1) of section 22 of the principal Act, for the words and figures "under section 20 or section 21", the words, figures and letter "under section 12A or section 20 or section 21" shall be substituted.

9. **Amendment of section 36.**—For clause (*c*) of section 36 of the principal Act, the following clause shall be substituted, namely :—

"(*c*) subject to such conditions as may be prescribed, by an Accountant or by a person enrolled in the prescribed manner as a Sales Tax Practitioner by the Commissioner, and duly authorised by the person whom he represents."

10. **Amendment of section 38.**—In sub-section (2) of ection 38 of the principal Act, after clause (*j*-4), the following clause shall be inserted, namely:—

"(*j*-5) the qualifications and disqualifications of Sales Tax Practitioners, the procedure for their enrolment, the fees payable for enrolment and the fees payable for annual renewal of such enrolment;"

11. Amendment of the Second Schedule.—In the Second Schedule to the principal Act,—

(1) serial number 26 shall be omitted ;

(2) in the third column of serial number 37, for the words "Two per cent", the words "Four per cent" shall be substituted ;

(3) serial number 41 shall be omitted;

4) serial number 81 shall be omitted;

(5) after the entry relating to serial number 82, the following entry shall be inserted, namely:—

"83. Handlooms and parts and accessories thereof ....Two per cent"

12. Amendment of the Third Schedule .— In the Third Schedule to the principal Act,—

(1) in column 3 of serial number 4 for the abbreviation "do", the words "Purchase by the last dealer in the State liable to tax under this Act" shall be substituted ;

(2) serial number 6 shall be omitted;

(3) in column 3 of serial number 7, for the abbreviation "do", the words "Purchase by the first or earliest of successive dealers in the State liable to tax under this Act," shall be substituted.

13. Amendment of the Fourth Schedule.—In the Fourth Schedule to the principal Act,—

(1) in the entry relating to serial number 5 (*b*), after the words "Coconut and copra" in column 2, the following words shall be added, namely :—

" cardamom, castor seeds, Honge seeds, Neem seeds, Till (Gingelly) seeds, Kusum (Kardi) seeds and Niger (Ram Til);"

(2) in the entry relating to serial number 5 (*d*), for the entry in column 3 thereof, the words "Sale by the first or

earliest of successive dealers in the State liable to tax under this Act." shall be substituted;

(3) in column 4 of serial number 6, for the words "One per cent" the words "Two per cent" shall be substituted.

14. Amendment of the Fifth Schedule.—In the Fifth Schedule to the principal Act,—

(1) in the entry relating to serial number 22, after item (*iii*), the following item shall be added, namely—

"(*iv*) by canteens which are run in factories and other industrial concerns as an amenity provided for the employees of such factories or concerns on a "no profit" basis under the provisions of the Factories Act, when such articles are sold, supplied or distributed to such employees.";

(2) after the entry relating to serial number 41, the following entry shall be added, namely :—

"42. Electrical instruments sold to Educational Institutions for use as teaching aids."

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing Stg. & Publications at the Govt. Press, B'lore.

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The Mysore Gazette

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, SATURDAY, MARCH 12, 1966
(PHALGUNA 21, SAKA ERA 1887). | No. 45

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 7 LGN 66, Bangalore, dated 11th March 1966.

Ordered that the **Mysore Appropriation Act, 1966,** which received the assent of the Governor on the Eleventh day of March 1966, be published as Mysore Act No. 4 of 1966 in the *Mysore Gazette* Extraordinary for general information.

MYSORE ACT No. 4 OF 1966.

(*First published in the* Mysore Gazette *Extraordinary on the Twelfth day of March 1966*).

THE MYSORE APPROPRIATION ACT, 1966.

(*Received the assent of the Governor on the Eleventh day of March 1966*).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66 ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title.—This Act may be called the Mysore Appropriation Act, 1966.

2. Issue of rupees 3,27,87,302 out of the Consolidated Fund of the State for the financial year 1965-66.—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three crores, twenty-seven lakhs, eighty-seven thousand, three hundred and two rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66 in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE.

(*See* Sections 2 and 3).

1	2		3		
No. of Demand			Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	A. EXPENDITURE MET FROM REVENUE.				
5	12	Sales Tax ..	20,000	...	20,000
10	9	General Administration ...	2,05,000	2,07,000	4,12,000
11	21	Administration of Justice ...	40,000	...	40,000
15	26	Miscellaneous Departments ...	1,95,000	11,202	2,06,202
19	30	Public Health ...	45,000	...	45,000
20	31	Agriculture ...	1,54,10,000	36,000	1,54,46,000
23	34	Co-operation ...	40,000		40,000
27	39	Miscellaneous, Social and Developmental Organisations ...	18,300		18,300
30-A	45	Electricity Schemes ...	2,78,900	...	2,78,900
31	50	Public Works ...	600	...	600
		...	1,62,52,800	2,54,202	1,65,07,002
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT				
44	96	Capital Outlay on Industrial and Economic Development ...	100		
45	99	Capital Outlay on I. N. E. and D. Works (Commercial) ...	40,000		40,000
48	103	Capital Outlay on Public Works ...	12,40,000		12,40,000
53	124	Capital Outlay on Schemes of Government Trading ...			
53-A	125	Appropriation to the Contingency Fund	1,00,00,000	...	1,00,00,000
		...	1,62,80,100	...	1,62,80,100

THE SCHEDULE—(*Concld.*)

(*See* Sections 2 and 3)

No. of Demand	Services and Purposes	Sums not exceeding		
		Voted by the Legislative Assembly	Charged on the Consolidated Fund	
		Rs.	Rs.	Rs.
	E. DISBURSEMENT OF ADVANCES AND LOANS			
	Q. Loans and Advances by State/Union Territory Governments ...	200	...	200
	Grand Total ...	3,25,33,100	2,54,202	3,27,87,302

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,

Law Department.

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PART IV—2-B

BANGALORE, SATURDAY, MARCH 12, 1966
(PHALGUNA 21, SAKA ERA 1887).

No. 46

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 8 LGN 66, dated Bangalore, 11th March 1966.

Ordered that the **Mysore Appropriation (No. 2) Act, 1966**, which received the assent of the Governor on the Eleventh day of March 1966, be published as Mysore Act No. 5 of 1966 in the *Mysore Gazette* Extraordinary for general information.

MYSORE ACT No. 5 OF 1966.

(*First published in the* Mysore Gazette *Extraordinary on the Twelfth day of March,* 1966).

THE MYSORE APPROPRIATION (No. 2) ACT, 1966.

(*Received the assent of the Governor on the Eleventh day of March,* 1966)

An Act to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1961-62 in excess of the amounts granted for those services and for that year.

WHEREAS it is expedient to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year 1961-62, in excess of the amounts granted for those services and for that year;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Appropriation (No. 2) Act, 1966.

2. Issue of rupees 4,62,29,186 out of the Consolidated Fund of the State to meet certain excess expenditure for the financial year 1961-62.—From and out of the Consolidated Fund of the State, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of four crores, sixty-two lakhs, twenty-nine thousand, one hundred and eighty-six rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year 1961-62 in excess of the amounts granted for those services and for that year.

3. Appropriation.—The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year 1961-62.

THE SCHEDULE

(See Sections 2 and 3)

1	2		3		
No. of Demand	Services and Purposes		Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
			Rs.	Rs.	Rs.
	A. EXPENDITURE MET FROM REVENUE				
5	10 Forest ...	...	6,114		6,114
9	17 Interest on Irrigation Works (Commercial)	...	11,34,507		11,34,507
10	18 Other Revenue Expenditure financed from Ordinary Revenues.		16,85,688	...	16,85,
	Debt Services	...	...	85,44,212	85,44,212
20	37 Education	...		59	59
21	38 Medical	...		2,369	2,
26	42 Co-operation	...	...	66	66
27	43 Industries and Supplies	...	1,25,650		1,25,650
29	50 Civil Works ...	...	2,00,87,163		2,00,87,163
36	55-A Commutation of Pensions financed from Ordinary Revenues.		1,02,415		1,02,415
37	56 Stationery and Printing ...	...	,76,842		2,76,842
40-A	62-B Other Miscellaneous Contributions and Assignments.		9,23,982	...	9,23,982
	Total A	...	2,42,98,861	85,46,706	3,28,40,567

THE SCHEDULE—(*Concld.*)

1	2				
No. of Demand	Services and Purposes		Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT				
6	68	Construction of Irrigation, Navigation, Embankment and Drainage Works (Commercial)	53,52,226	...	53,52,225
47	68A	Do (Non-Commercial) ...	...	14,876	14,876
52	81A	Capital Outlay on Electricity Schemes ...	79,19,602		79,19,602
65	88	Payments of Commuted Value of Pensions ...	1,02,415	...	1,02,415
		Total C ...	1,33,74,243	14,876	1,33,88,619
		Grand Total ...	3,76,68,104	85,61,082	4,62,29,186

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

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PART IV—2-B

BANGALORE, MONDAY, MARCH 21, 1966
(PHALGUNA 30, SAKA ERA 1887).

No. 51

NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 14 LGN 66, Bangalore, dated 19th—21st March 1966

Ordered that the **Mysore Appropriation (No. 3) Act, 1966,** which received the assent of the Governor on the Nineteenth day of March 1966, be published as Mysore Act No. 8 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 8 OF 1966.

(*First published in the* Mysore Gazette *Extraordinary on the Twenty-first day of March* 1966).

THE MYSORE APPROPRIATION (No. 3) ACT, 1966.

(*Received the assent of the Governor on the Nineteenth day of March 1966*).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State for the services of the financial year 1965-66 ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. **Short title.**—This Act may be called the Mysore Appropriation (No. 3) Act, 1966.

2. **Issue of rupees 58,80,71,995 out of the Consolidated Fund of the State for the financial year 1965-66.**—From and out of the Consolidated Fund of the State, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of fifty-eight crores, eighty lakhs, seventy-one thousand, nine hundred and ninety-five rupees towards defraying the several charges which will come in course of payment during the financial year 1965-66, in respect of the services specified in column 2 of the Schedule.

3. **Appropriation.**—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(*See* Sections 2 and 3).

No. of Demand		Services and Purposes		Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	Sums not exceeding: Total
1		2		Rs.		Rs.
		A. EXPENDITURE MET FROM REVENUE				
7	14	Stamps	...	1,80,000		1,80,000
8	15	Registration Fees	...	100	..	100
...	16	Interest on Debt and Other Obligations	...		1,98,85,500	1,98,85,500
9	18	Parliament, State/Union Territory Legislature	...	1,79,100		1,79,100
10	19	General Administration	...	20,80,200	...	20,80,200
11	21	Administration of Justice	...	4,04,000	1,81,000	5,85,000
12	22	Jails	...	8,25,200	...	8,25,200
18	23	Police	...	83,92,334		83,92,334
14	25	Supplies and Disposals	...	50,38,450		50,38,450
15	26	Miscellaneous Departments	...	11,84,010		11,84,010
16	27	Scientific Departments	...	1,00,000		1,00,000
18	29	Medical	...	100		100
20	31	Agriculture	...	300		300
24	35	Industries	...	29,10,100		29,10,100
25	37	C. D. P., N. E. S. and L. D. Works	...	100		100
26	38	Labour and Employment	...	100		100
27	39	Miscellaneous, Social and Developmental Organisations	...	5,17,948	153	
29	43	Irrigation, Navigation, Embankment and Drainage Works (Commercial).		1,20,42,000		1,20,42,000
30	44	Do (Non-Commercial)	...	54,00,000		54,00,000
30A	45	Electricity Schemes	...	6,82,000	...	6,82,000
		C.O.	...	3,49,36,042	2,00,66,653	5,50,02,695

SCHEDULE—*Contd.*

No. of Demand	2		Sums not exceeding		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	
			Rs.	Rs.	Rs.
		B. F. ...	3,49,36,042	2,00,66,653	5,50,02,695
81	50 Public Works ...	...	100	...	100
83	64 Famine Relief ...	...	26,55,000	...	26,55,000
84	65 Pensions and Other Retirement Benefits.		...	11,70,000	11,70,000
89	71 Miscellaneous ...	...	1,80,26,000	...	1,80,26,000
40	72 Commutation of Pensions	...	7,41,500	1,38,000	8,79,500
		Total A. ...	5,63,58,642	2,13,74,653	7,77,33,295
	C. CAPITAL ACCOUNTS OUTSIDE THE REVENUE ACCOUNT.				
43	94 Capital outlay on Improvement of Public Health	...	100		
44	96 Capital Outlay on Industrial and Economic Development	...	1,48,50,000		
45	99 Capital Outlay on Irrigation, Navigati on, Embankment and Drainage Works—(Commercial.)		95,37,900		
46	100 Do do (Non-Commercial)	...	32,64,100		32,64,100
47	101 Capital Outlay on Electricity Schemes	...	1,96,63,600	...	1,96,63,600
48	103 Capital Outlay on Public Works	...	8,02,600	...	8,02,600
52	120 Payment of Commuted Value of Pensions		7,41,500	73,000	8,14,500
53	124 Capital Outlay on Schemes o Government Trading	...	8,00,000	...	8,00,000
		Total C. ...	4,91,59,800	73,000	4,92,32,800

SCHEDULE—*concld.*

No. of Demand	1	2	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	3
			Rs.	Rs.	Rs.
	D.	PUBLIC DEBT—REPAYMENT AND INTER-STATE SETTLEMENTS.			
	O.	Public-Debt (Repayment) }	...	42,61,05,500	42,61,05,500
	R.	Inter-State Settlements }			
	E.	DISBURSEMENT OF ADVANCES AND LOANS.			
54	Q.	Loans and Advances by State/Union Territory Governments ..	8,50,00,400	...	8,50,00,400
		Grand Total ...	4,05,18,842	44,76,58,163	48,81,77,005

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

Ex. 61

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PART IV—2-C (ii)

BANGALORE, MONDAY, MARCH 21, 1966
(PHALGUNA 30, SAKA ERA 1887)

No. 52

MYSORE LEGISLATURE SECRETARIAT

NOTIFICATION.

Bangalore, dated 21st March 1966.

S.O. 4036.—In pursuance of the provisions of sub-section (1) of Section 29 of the Representation of the People Act, 1951, I, Te. Hanumanthappa, Returning Officer for the election by the elected members of the Mysore Legislative Assembly to fill the seats in the Council of States, hereby fix, with the previous approval of the Election Commission, the Room No. 118, in the 1st Floor, Vidhana Soudha, Bangalore as the place at which a poll for election to fill the vacancies in the Council of States to be caused by the retirement of the members on the expiry of their terms of office on the 2nd April, 1966 will be taken.

[No. 19435/L.A.]

TE. HANUMANTHAPPA,
Returning Officer.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore

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PART IV—2-B

BANGALORE, MONDAY, APRIL 25, 1966
(VAISHAKHA 5, SAKA ERA 1888).

No. 74

NOTIFICATION.

No. LAW 16 LGN 63, Bangalore, dated 25th April 1966.

Ordered that the **Mysore Entertainments Tax (Amendment) Act, 1966**, which received the assent of the Governor on the Twenty-second day of April 1966, be published as Mysore Act No. 14 of 1966 in the *Mysore Gazette* for general information.

MYSORE ACT No. 14 OF 1966.

(First published in the Mysore Gazette (Extraordinary) *dated Twenty-fifth day of April 1966).*

THE MYSORE ENTERTAINMENTS TAX (AMENDMENT) BILL, 1966.

(Received the assent of the Governor on the Twety--second day of April 1966).

An Act to amend the Mysore Entertainments Tax Act, 1958.

WHEREAS it is expedient to amend the Mysore Entertainments Tax Act, 1958 (Mysore Act 30 of 1958);

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Mysore Entertainments Tax (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Mysore Entertainments Tax Act, 1958 (Mysore Act 30 of 1958) (hereinafter referred to as the principal Act),—

(1) for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) 'entertainment' means a horse race or cinematograph show to which persons are admitted for payment;";

(2) for clause (*g*), the following clause shall be substituted, namely:—

"(*g*) 'local authority' means a municipal corporation a city municipal council, a town municipal council, a cantonment board, a town board, a sanitary board, a notified area committee, a town panchayat or a village panchayat, as the case may be;",

3. Substitution of new section for section 3.— For section 3 of the principal Act, the following section shall be substituted, namely :—

"**3. Tax on payment for admission to entertainments.**— (1) There shall be levied and paid to the State Government on each payment for admission to an entertainment, entertainments tax at the following rates, namely :—

Where the payment (excluding the amount of tax)		Rate of tax
(a) does not exceed fifty paise ;	...	Twenty per cent of such payment.
(b) exceeds fifty paise but does not exceed one rupee and fifty paise ;	...	Twenty-five per cent of such payment.
(c) exceeds one rupee and fifty paise but does not exceed three rupees ;	...	Thirty per cent of such payment
(d) exceeds three rupees	...	Thirty-five per cent payment.

(2) Notwithstanding anything contained in sub-section (1), there shall be levied and paid to the State Government (except as otherwise expressly provided in this Act) on every complimentary ticket issued by the proprietor of an entertainment, the entertainments tax at the appropriate rate specified in sub-section (1) in respect of such entertainment, as if full payment had been made for admission to the entertainment according to the class of seat or accommodation which the holder of such ticket is entitled to occupy or use; and for the purposes of this Act, the holder of such ticket shall be deemed to have been admitted on payment.

(3) In the determination of the amount of tax payable on each payment for admission under sub-section (1) or on each complimentary ticket under sub-section (2), fractions of a paisa less than half a paisa shall be disregarded and fractions of a paisa equal to or exceeding half a paisa shall be regarded as one paisa.".

4. Insertion of new section 3A.—After section 3 of the principal Act, the following section shall be inserted, namely :—

"**3A. Levy of surcharge.**—In addition to the entertainments tax payable under section 3, a surcharge of fifty per cent on the rate of such entertainments tax shall be levied, and the entire proceeds of the surcharge so levied shall be credited to the Consolidated Fund of the State.".

5. Substitution of new section for section 4 .—For section 4 of the principal Act, the following section shall be substituted, namely :—

"**4. Additional tax on cinematograph shows.**—In the case of cinematograph shows, in addition to the tax and the surcharge leviable under sections 3 and 3A, there shall be levied and paid to the State Government entertainments tax calculated at the following rates, namely :—

Shows		Rate of tax per show
(i) held in the City of Bangalore—		
(*a*) in Class I Theatres	...	Ten rupees
(*b*) in Theatres other than Class I Theatres	...	Five rupees
(ii) held in cities or towns with a population of fifty thousand and above	...	Five rupees
(iii) held in places with a population of twenty thousand and above but less than fifty thousand	...	Three rupees
(iv) held in other places	...	Two rupees

Explanation.—For purposes of this section,—

(*a*) "population" means the population as ascertained at the last preceding census of which the relevent figures are published;

(*b*) "Class I Theatre" means a theatre in which the rate of payment (including the amount of tax and surcharge) for admission of an adult to the highest class of seat or accommodation is not less than two rupees and fifty paise".

6. Substitution of new section for section 5.—For section 5 of the principal Act, the following section shall be substituted, namely :—

"**5. Admission to entertainments.**—Save as otherwise provided in this Act, no person other than a person who has to perform any duty in connection with an entertainment or any duty imposed upon him by or under this Act or any other law shall be admitted to an entertainment unless the proprietor has with the previous approval of the State Government, made arrangements for furnishing returns of the payments for admission to the entertainment, given such security for the payment of the entertainments tax, and in such manner, as may be specified by the State Government:

Provided that with the previous approval of the State Government, persons may be admitted for payment to an entertainment or a series of entertainments through a barrier or by means of a mechanical contrivance which automatically registers the number of persons admitted".

7. Amendment of section 6.—In section 6 of the principal Act, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :—

"(1) The entertainments tax shall be levied in respect of each person admitted on payment or on a complimentary ticket and shall be calculated and paid on the number of admissions.

Explanation.—At any time during an entertainment any person or persons found inside the auditorium or place of entertainment without a valid ticket or complimentary ticket shall be deemed to have been admitted by the proprietor for payment.

(2) The entertainments tax shall be due and be recoverable from the proprietor.".

8. Insertion of new sections 6A and 6B.—After section 6 of the principal Act, the following sections shall be inserted, namely :—

"**6–A. Returns.**—(1) Every proprietor of an entertainment shall submit such returns relating to complimentary tickets and to payments for admissions, to such authority, in such manner and within such periods, as may be prescribed.

(2) If the prescribed authority is satisfied that any return submitted under sub-section (1) is correct and complete, it shall assess the proprietor on the basis thereof.

(3) If no return is submitted by the proprietor of the entertainment under sub-section (1) before the date prescribed or if the return submitted by him appears to the prescribed authority to be incorrect or incomplete, the prescribed authority shall, after making such enquiry as it considers necessary, determine the tax due under sections 3, 3A and 4, and assess the proprietor to the best of its judgment :

Provided that before taking action under this sub-section, the proprietor shall be given a reasonable opportunity of proving the correctness and completeness of any return submitted by him or that no return was due from him.

6–B. Payment for admission, etc., escaping assessment.—(1) Where, for any reason,—

(i) any complimentary ticket or any payment for admission to any entertainment has escaped assessment to tax under section 3 or section 3-A ; or

(ii) any cinematograph show has escaped assessment to tax under section 4; or

(iii) such ticket, payment or show has been assessed at a rate lower than the rate at which it is assessable under section 3 or section 3-A or section 4,

the authority prescribed under sub-section (1) of section 6A may, subject to the provisions of sub-section (2) and at any time within such period as may be prescribed, assess or re-assess the tax due on such ticket, payment or show under section 3 or section 3-A or section 4, as the case may be, after service of notice on the proprietor and after making such enquiry as it may consider necessary.

(2) In making an assessment or re-assessment under sub-section (1), the authority prescribed under sub-section (1) of section 6-A may, if it is satisfied that due to wilful mis-statement or suppression of facts by the proprietor, the tax has not been levied or has been levied at a rate lower than the rate at which it is leviable, direct the proprietor to pay, in addition to the tax assessed or re-assessed under sub-section (1), a penalty not exceeding one and a half times the tax so assessed or re-assessed :

Provided that no penalty under this sub-section shall be imposed unless the proprietor affected has had a reasonable opportunity of showing cause against such imposition.

(3) The powers under sub-section (1) may be exercised by the authority prescribed under sub-section (1) of section 6-A even though the original order of assessment, if any, passed in the matter has been the subject matter of an appeal or revision.

(4) In computing the period of limitation for assessment or re-assessment under this section, the time during which the proceedings for assessment or re-assessment remained stayed under the orders of a civil court or other competent authority shall be excluded.".

9. Amendment of section 7.—In section 7 of the principal Act,—

(1) in sub-section (1),—

(i) for clause (*c*), the following clause shall be substituted, namely :—

"(*c*) that the entertainment is a cinematograph show conducted by a film club or a film society recognised by the Commissioner of Commercial Taxes and the show is conducted without deriving any profit; or" ;

(ii) clause (*e*) shall be omitted ;

(2) sub-section (2) shall be omitted.

10. Substitution of new section for section 9.—For section 9 of the principal Act, the following section shall be substituted, namely :—

"**9. Manner of recovery of tax.**—Any amount due on account of the tax under section 3 or section 3A or section 4, may, without prejudice to any other mode of collection, be recovered—

(*a*) as if it were an arrear of land revenue, or

(*b*) on application to any judicial magistrate, by such magistrate as if it were a fine imposed by him.".

11. Insertion of new section 9A.—After section 9 of the principal Act, the following section shall be inserted, namely :—

"**9A. Recovery of penalty.**—Any penalty payable under this Act shall be deemed to be entertainments tax under this Act for the purposes of collection and recovery and shall be without prejudice to the institution of any proceeding for any offence under this Act, or for the recovery of the entire amount remaining unpaid under this Act.".

12. Substitution of new section for section 12.—For section 12 of the principal Act, the following section shall be substituted, namely:—

'**12. Penalties.**— (1) (*a*) The proprietor of any entertainment or any person employed by him in any place of entertainment who admits any person to any place of entertainment in contravention of the provisions of section 5, or

(*b*) the proprietor of any entertainment who—

(i) fraudulently evades the payment of any tax due under this Act, or

(ii) contravenes any of the provisions of this Act,

shall, on conviction, be liable in respect of each such offence to a fine which may extend to one thousand rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such fine shall not be less than five hundred rupees in the case of an offence falling under clause (*a*) or sub-clause (i) of clause (*b*).

(2) It shall be presumed until the contrary is proved that any person who is found without a ticket in any place of entertainment has been admitted by the proprietor of the entertainment or by the person employed by such proprietor in such place in contravention of the provisions of section 5.".

13. Amendment of section 13.—In section 13 of the principal Act, for the words "five hundred rupees" in the two places where they occur, the words "one thousand rupees" shall be substituted.

14. Amendment of section 18.—In section 18 of the principal Act,—

(1) in sub-section (2),—

(a) clause (*a*) shall be omitted ;

(b) in clause (*d*), the words and figure "in respect of which the arrangements approved by the State Government for furnishing returns are made under section 5" shall be omitted ;

(c) for clause (*e*), the following clause shall be substituted, namely :—

"(*e*) for appeals and revisions in respect of proceedings under this Act, the period within which such appeals shall be preferred and the fees to be paid in respect of such appeals ;";

(2) in sub-section (3), for the words "five hundred rupees", the words "one thousand rupees" shall be substituted ;

(3) after sub-section (3), the following sub-section shall be inserted, namely :—

"(3A) A rule under this Act may be made with retrospective effect and when such rule is made, the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any modification made under sub-section (4), every rule made under this Act shall have effect as if enacted in this Act".

15. Repeal of Mysore Act 27 of 1962.—The Mysore Entertainments Tax (Surcharge) Act, 1962 is hereby repealed.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
Secretary to Government,
Law Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

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(EXTRAORDINARY)

PART IV—2-B

BANGALORE, THURSDAY, SEPTEMBER 29, 1966
(ASVIJA 7, SAKA ERA 1888)

No. 165

NOTIFICATION

(Law Department)

Order No. LAW 37 LGN 66, dated Bangalore 29th September 1966.

Ordered that the Mysore Land Reforms (Amendment) Ordinance, 1966, promulgated by the Governor of Mysore in the Seventeenth Year of the Republic of India, be published as Mysore Ordinance No. 2 of 1966, in the *Mysore Gazette* for general information.

MYSORE ORDINANCE No. 2 OF 1966.

THE MYSORE LAND REFORMS (AMENDMENT) ORDINANCE, 1966.

(Promulgated by the Governor of Mysore in the Seventeenth Year of the Republic of India and first published in the Mysore Gazette *on the Twentyninth day of September 1966).*

An Ordinance further to amend the Mysore Land Reforms Act, 1961.

WHEREAS neither the Mysore Legislative Assembly nor the Mysore Legislative Council is in session and the Governor of Mysore is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) ;

AND WHEREAS the instructions of the President have been obtained in pursuance of the proviso to clause (1) of Article 213 of the Constitution of India ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Mysore is pleased to promulgate the following Ordinance, namely :—

1. Short title.—This Ordinance may be called the Mysore Land Reforms (Amendment) Ordinance, 1966.

2. Amendment of section 14.—In section 14 of the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962) (hereinafter referred to as the principal Act),—

(1) in sub-section (2)—

(a) in clause (*a*), for the words "one year", the words "fifteen months" shall be substituted ;

(b) for clause (*c*), the following proviso shall be and shall always be deemed to have been substituted, namely :—

"Provided further that in the case of a landlord who is subject to any disability, the statement under sub-section (1) shall be filed within the period specified in clause (*a*) or (*b*), as the case may be, by the guardian, manager or other person in charge of the property of such person."

(2) in sub-section (4), for the words "one year", the words "fifteen months" shall be substituted ,

(3) in sub-section (6), for the words "within one year", the words "within fifteen months from the appointed day or one year" shall be substituted ; and after clause (*d*), the words "whichever is later" shall be inserted.

3. Amendment of section 81A.—In sub-section (1) of section 81A of the principal Act, for the word "mortgage", the words "mortgage with possession" shall be and shall always be deemed to have been substituted.

4. Amendment of section 142.—In the first proviso to sub-section (1) of section 142 of the principal Act, after the words "Provided that", the words "save as otherwise provided in this Act" shall be and shall always be deemed to have been inserted.

V. V. GIRI,
Governor of Mysore.

By Order and in the name of the Governor of Mysore.

M. K. SRINIVASA IYENGAR,
Additional Secretary to Government
Law Department.

Printed by the Director of Printing, Stty & Publications at the Govt. Press, Bhopal.

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PART IV—2-B

BANGALORE, WEDNESDAY, DECEMBER 7, 1966
(MARGASIRA 16, SAKA ERA 1888).

No. 210

NOTIFICATION.

(Law Department).

No. LAW 86 LGN 66, Bangalore, dated 7th December 1966.

Ordered that the **Mysore State Civil Services (Prevention of Strikes) Act, 1966**, which received the assent of the Governor on the Seventh day of December 1966, be published as Mysore Act No. 30 of 1966 in the *Mysore Gazette* Extraordinary for general information.

MYSORE ACT No. 30 OF 1966.

(*First published in the* Mysore Gazette Extraordinary *on the Seventh day of December 1966.*)

THE MYSORE STATE CIVIL SERVICES (PREVENTION OF STRIKES) ACT, 1966.

(*Received the assent of the Governor on the Seventh day of December 1966.*)

An Act to provide for the prevention of strikes by civil servants of the State of Mysore.

WHEREAS it is expedient to provide for the prevention of strikes by civil servants of the State of Mysore;

Be it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Mysore State Civil Services (Prevention of Strikes) Act, 1966.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

2. **Definitions.**—In this Act,—

(1) "State Civil Servant" means a person who is a member of a civil service of the State of Mysore or holds any civil post under the State of Mysore;

(2) "strike" means a cessation of work (including any unauthorised absence from duty) by a body of State civil servants acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of State civil servants to work.

3. Prohibition of strikes.—No State civil servant shall resort to strike.

4. Penalty for strikes.—Any State civil servant who commences, continues or otherwise acts in furtherance of a strike shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

5. Penalty for instigation, etc.—Any person who instigates or incites State civil servants to take part in, or otherwise acts in furtherance of a strike, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

6. Penalty for giving financial assistance.—Any person who knowingly expends or applies any money in furtherance or support of a strike shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

7. Attempts, etc., to commit offence.—Any person who attempts to commit, or does any act preparatory to commission of, any offence under this Act, shall be deemed to have committed such offence.

8. Offences by associations.—(1) Where an offence under this Act has been committed by an association, every person who at the time the offence was committed was in charge of, and was responsible to, the association for the conduct of the business of the association, as well as the association, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by an association and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any member of the executive or managing committee of the association or any manager, secretary or other officer of the association such member, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:—For the purpose of this section, "association" means any body of individuals whether incorporated or not.

9. Power to arrest without warrant.—Any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence punishable under this Act.

10. Repeal of Mysore Ordinance No. 1 of 1966.—The Mysore State Civil Services (Prevention of Strikes) Ordinance, 1966, is hereby repealed.

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,

Secretary to Government,
Law Department

Printed by the Director of Printing, Stv & Publications at the Govt Press, Bkve.

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